

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

LINDA THORNTON, )  
                        )  
Plaintiff,           )  
                        )  
v.                     )              **Civil Action No.:**  
                        )              **1:07 cv-712-WKW**  
FLAVOR HOUSE PRODUCTS, INC., and )  
FRANKLIN D. WILLIAMS, JR.,       )  
                        )  
Defendants.           )

**PLAINTIFF'S EVIDENTIARY SUBMISSION IN RESPONSE TO  
DEFENDANT FLAVOR HOUSE PRODUCTS, INC.'S AND DEFENDANT FRANKLIN  
WILLIAMS' MOTIONS FOR SUMMARY JUDGMENT**

COMES NOW the plaintiff, Linda Thornton, by and through her undersigned counsel, and submits the following evidentiary material in opposition to the Defendants' Motions for Summary Judgment:

- A. Declaration of Linda Thornton dated September 2, 2008;
- B. Notes dated April 9, 2005 regarding meeting with Linda Thornton and Melvin Hutchins;
- C. Deposition of Dr. Richard Bendinger taken on June 11, 2008, with exhibits;
- D. Counseling Report for Johnny Millsap dated June 28, 2004;
- E. Complaint for Divorce of Ronnie Jean Williams vs. Franklin Williams, Jr., dated March 31, 2006;
- F. Criminal charges of Franklin Williams;
- G. Parole Report of Franklin Williams;

- H. Personnel file of Jewel Silvey;
- I. Blood pressure related absence reports of Linda Thornton dated April 6, 2006, and April 17, 2006;
- J. Documentation forms for Catherine Long and Tamekia Cooke;
- K. Vacation Request forms for Tommy Nance;
- L. Daily Label Operator Check Sheet of Linda Thornton dated May 4, 2006;
- M. Mary Ann Boyer Errata Sheets for deposition taken on May 13, 2008;
- N. Employee Status Change for Linda Thornton regarding Level 4 pay raise dated May 15, 2006;
- O. Policies against harassment dated 2004-2005.

Respectfully submitted,

s/ Temple D. Trueblood  
Ann C. Robertson  
Temple D. Trueblood  
Attorneys for the Plaintiff

OF COUNSEL:

WIGGINS, CHILDS, QUINN & PANTAZIS, L.L.C.  
The Kress Building  
301 19th Street North  
Birmingham, Alabama 35203  
(205) 314-0500

Bobbie S. Crook  
367 South St. Andrews Street  
Dothan, Alabama 36301  
(334) 671-8062

**CERTIFICATE OF SERVICE**

I hereby certify that, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Jennifer F. Swain  
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC  
1600 s Wachovia Tower  
420 North Twentieth Street  
Birmingham, Alabama 35203

Steadman S. Shealy, Jr.  
Richard E. Crum  
M. Russ Goodman  
Shealy, Crum & Pike, P.A.  
P.O. Box 6346  
Dothan, Alabama 36302-6346

This 3rd day of September, 2008.

s/ Temple D. Trueblood  
OF COUNSEL

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**LINDA THORNTON,**

**Plaintiff,**

**v.**

**FLAVOR HOUSE PRODUCTS, INC., and  
FRANKLIN D. WILLIAMS, JR.,**

**Defendants.**

**Civil Action No.:  
1:07 cv-712-WKW**

**DECLARATION OF LINDA THORNTON**

1. I am the plaintiff in the above styled matter. I am over the age of eighteen and have personal knowledge of all matters stated herein.

2. I have reviewed Mary Ann Boyer's August 8, 2008, declaration and attached exhibits submitted as Exhibit "K" to Defendants' summary judgment brief. The list of Label Operator's provided in Exhibit "A" is not an accurate list of Label Operators working at the time the "pay for skills" program was implemented. Several of the employees listed as Label Operators were no longer employed with Flavor House when the "pay for skills" program was put into effect. With regards to the "pay for skills" tests provided in Exhibit "A", one employee's tests were taken after I was no longer at Flavor House, and the other employee had only been a Label Operator for a short period of time when the "pay for skills" came into effect, and unlike me, he was not able to run all of the machines.

3. While I often heard Frank Williams and other employees cussing, I never heard the male employees cuss out another male employee, nor did I hear them direct their cursing at another male employee like I heard them cussing directly at the female employees, including myself.

Further, I never heard Williams, or any male employee, call any other male employee derogatory names like the names he called female employees such as "bitch," "stupid fucking bitch," "goddamn mother-fucking bitch." Williams would direct his hostile and demeaning language directly at me and other female employees, but not at the male employees. Additionally, Williams never threw things at male employees like he did at female employees.

4. During the first year of my employment, I applied for several Label Operator positions and was passed over repeatedly. These positions were given to males, who were temporary employees with less or no experience. There were no sign up sheets for the positions and employees, including myself, had to ask for the position if we wanted it. I asked Melvin Hutchins, Manager, and Kenneth Tew, Supervisor, about the positions and was told that I could not have the position. Instead, they would hire male temporary employees, or they would hire males directly off of the street who did not work out. Although he had no mechanical experience, Frank Williams was hired directly off the street as a Label Operator. I had been working for the company for nearly a year and had mechanical experience, but was still continuously passed over for a Label Operator's position. I was told that I had to take an aptitude test for the position; however, the men were not told they had to take an aptitude test. I was required to submit a resume listing mechanical experience before I was given a Label Operator's position, but male employees were not required to submit resumes.

5. Although the male mechanics would shove me out of the way, curse at me and treat me in a degrading manner when it would take me a few minutes to adjust my machine, they did not treat the male label operators like this when they took more than five minutes to adjust their machine. When the male operators took more than five minutes to adjust their machine, the mechanics would not call for Hutchins or Cassidy, they would leave the male operators alone unless

they called for help.

6. I reported to Mary Ann Boyer, Director of Operations, that the mechanics cursed at and yelled at the female employees, including me, and that they called the female employees, including me, derogatory names. I reported to Boyer that the mechanics would not allow female operators, including myself, to make minor repairs on the machines, and they would shove me out of the way and take over my machine, but would not do or say anything when male employees made the same or similar repairs.

7. Boyer's typical response to my complaints was to tell me that I would have to "deal with it" as she had learned to "deal with it." Boyer then said it was a "southern thing" and a "gentlemen" thing to do. Boyer then told me that because her daughter was from the north she had an attitude with the men in the south. Boyer then gave me an example of discrimination she had do "deal with" in the company, telling me that Boyer was in a management meeting with Richard Holland, HR manager, and Tommy Nance, Human Resources, and two other outside male contractors in the conference room. The two contractors would not answer Boyer's questions directly. Instead, they would answer to Nance or Holland.

8. I reported, to Supervisor Melvin Hutchins, that Tom Beard was making sexually harassing comments to me. After my complaints to Hutchins, the harassment did not stop and only got worse. The sexually harassing comments continued until Beard went on leave and was no longer in the plant.

9. As I explained in my deposition and have complained about to supervisors and management on multiple occasions, Williams was constantly bragging about his sex life to me or in front of me. In addition to the comments I have already related, Williams discussed, for several

months, how he was going to "fuck" the personnel resource girl. He told me that he already had her address and planned to invite her to the Christmas party along with his wife so that there would be two people at the same table that he was "fucking." I reported this incident to Hutchins. On several occasions, Williams told me that he and his wife would "fuck" in the car all night until it was time to get a shower and go to work. Williams stated that his wife was "fucking a nigger" on the sanitation shift. He then commented that he was not racist, but that he was not raised to believe that the races should mix. On several occasions, Williams bragged that even though his girlfriend didn't want to have a baby girl, he was going to "fuck" her enough that she would get pregnant. Williams told me that his first wife had said that if she had known that he wanted "blow jobs", she would have done that for him. Williams was always commenting about how "hard" he could get and how long he could stay "hard". He also said that he had to have sex everyday. He told me that he did not enjoy pornography and that he did not "please" himself sexually, and that is why he had to have sex all the time. These comments and others like them were just part of Williams' everyday conversation at work. When I told him that I did not want to hear anything else about his sex life, Williams would ignore me and continue to talk. One time, when I told him that I did not want to hear about his sex life, Williams told me that he had to talk to me about it because he couldn't talk to his friend Stephanie because she was "fucking" everyone in the plant, "she's a whore, too."

10. One of the times that I reported Williams' inappropriate sex talk and cursing to Hutchins was prior to my February 16, 2006, complaint to Hutchins and Jordan that Williams was telling other employees that I had called him a child molester. I brought these complaints up again when I made my February 16, 2006, complaint to Hutchins and Jordan.

11. After the last altercation with Williams in June 2006, I was moved to the Line 5 label

machine; however, this was still in the same department with Williams and only a few feet away from him. This move afforded me no protection from Williams as he was a Team Leader and free to roam anywhere in the plant.

12. I had worked on an old machine on Line 3 for several months and when the new machine finally came in for Line 3 then management moved me to Line 5, back on an old machine. This move took me away from the new Line 3 label machine I had been waiting for, but still did not offer me protection from Williams. I felt like I was once again being punished.

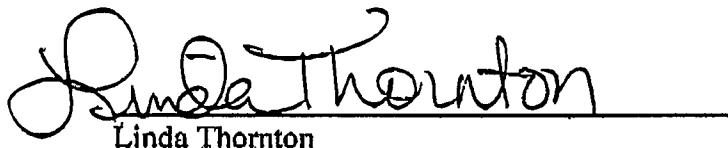
13. When training with Williams in 2005, he started talking about being a sex offender saying he had seven felony counts.

14. Williams told temporary employees to complete an application and when they said they couldn't because of their criminal record, he would tell them about his record and that he got a job with the company.

15. Williams told me that he got a bad deal and if we had another governor, he would get a pardon. I knew that Williams was talking about the sexual abuse convictions and I told him not to talk about these crimes. I then asked Melvin Hutchins to make Williams stop discussing his criminal history at work.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on September 2nd, 2008, in Dothan, Alabama.



Linda Thornton

# **EXHIBIT B**

**Linda Thornton – issue with Fannie Ash**

**Linda Thornton** w/Melvin Hutchins 4-9-05

Fannie asked her to clean some brushes off of Line 1

Linda said when she went to third shift, there were some items from the machine sitting in a bucket on Line 2

Words and especially tone Fannie is using with her employees

10:45 PM – 1 AM they were working on rework

They have brought the issue on the breaks to Fannie & they tried to change it, she said no, ppl are coming in at 7 AM and going to break before people at 6 AM, they can't swap breaks

Joe McGriff - stacker

James Porter – Line 2

These guys said Fannie was just telling her that, she doesn't give them a half point for being late

They don't know it, but I'm going to start

Late march, early February – Joe came in 45 minutes late

Clocking out for break then warming up your food, she said she hasn't eaten here in 4 years

Cleaning up sink that can line uses, she doesn't use, this was a day she was going to her new house to get cable & other things setup

# **EXHIBIT C**

# FREEDOM COURT REPORTING

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF ALABAMA  
3 SOUTHERN DIVISION

5 CIVIL ACTION NUMBER 107CV-712-WKW

6 | LINDA THORNTON,

8 Plaintiff(s).

9 v.

10 FLAVOR HOUSE PRODUCTS, INC.,

11

12 | Defendant(s) .

14

14 DEPOSITION TESTIMONY OF:

15

RICHARD L. BENDINGER, JR., DO

16

17

10

20 | Commissioner:

21

Renny D. McNaughton

22

June 11, 2008

23

Dothan, Alabama

**FREEDOM COURT REPORTING**1                   **S T I P U L A T I O N**

2                   IT IS STIPULATED AND AGREED by and  
3 between the parties through their respective  
4 counsel that the deposition of Dr.  
5 Bendinger, may be taken before Renny D.  
6 McNaughton, Court Reporter and Notary  
7 Public, State at Large, at the offices of  
8 Bobbie Crook, Dothan, Alabama, on the 11th  
9 day of June, 2008, commencing at  
10 approximately 4:15 p.m.

11                  IT IS FURTHER STIPULATED AND AGREED  
12 that the signature to and the reading of the  
13 deposition by the witness is waived, the  
14 deposition to have the same force and effect  
15 as if full compliance had been had with all  
16 laws and rules of Court relating to the  
17 taking of depositions.

18                  IT IS FURTHER STIPULATED AND AGREED  
19 that it shall not be necessary for any  
20 objections to be made by counsel to any  
21 questions, except as to form or leading  
22 question and that counsel for the parties  
23 may make objections and assign grounds at

**FREEDOM COURT REPORTING**

1       the time of trial or at the time said  
2 deposition is offered in evidence, or prior  
3 thereto.

4           In accordance with Rule 5(d) of the  
5 Alabama Rules of Civil Procedure, as  
6 amended, effective May 15, 1988, I, Renny D.  
7 McNaughton, am hereby delivering to Ms.  
8 Swain the original transcript of the oral  
9 testimony taken the 11th day of June, 2008,  
10 along with exhibits.

11           Please be advised that this is the  
12 same and not retained by the Court Reporter,  
13 nor filed with the Court.

14

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**FREEDOM COURT REPORTING**

|    |                 |          |
|----|-----------------|----------|
| 1  | I N D E X       |          |
| 2  | EXAMINATION BY: | PAGE NO. |
| 3  | Ms. Swain       | 8        |
| 4  | Ms. Robertson   | 86       |
| 5  | E X H I B I T S |          |
| 6  | No. 1           | 89       |
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**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 1-800-373-3660**

**FREEDOM COURT REPORTING**

1 A P P E A R A N C E S  
2 FOR THE DEFENDANT (S) :  
3 Jennifer F. Swain  
4 Baker, Donelson, Bearman, Caldwell &  
5 Berkowitz, PC  
6 Wachovia Tower, 420 North Twentieth Street,  
7 Suite 1600  
8 Birmingham, Alabama 35203-5202  
9  
10 FOR THE PLAINTIFF (S) :  
11 Ann C. Robertson  
12 Wiggins, Childs, Quinn & Pantazis, LLC  
13 The Kress Building  
14 301 Nineteenth Street North  
15 Birmingham, Alabama 35203  
16 Bobbie S. Crook  
17 Attorney at Law  
18 367 S. St. Andrews St.  
19 Dothan, Alabama 36301  
20  
21 Also Present: Linda Thornton  
22  
23

**FREEDOM COURT REPORTING**

I, Renny D. McNaughton, a Court  
Reporter of Greenville, Alabama, and a  
Notary Public for the State of Alabama at  
Large, acting as Commissioner, certify that  
on this date, pursuant to the Alabama Rules  
of Civil Procedure, and the foregoing  
stipulation of counsel, there came before me  
at the offices of Bobbie Crook, Dothan,  
Alabama, commencing at approximately 4:15  
p.m. on the 11th day of June, 2008, Richard  
L. Bendinger, Jr., DO, witness in the above  
cause, for oral examination, whereupon the  
following proceedings were had:

14

15                   THE VIDEOGRAPHER: Okay. This  
16 begins videotape 1 in the deposition of  
17 Dr. Richard Bendinger -- tape one in the  
18 matter of Linda Thornton versus Flavor  
19 House Products and Franklin D. Williams,  
20 Jr., case number 107-CV-712-WKW. We're  
21 on the record now. The time is 4:17:15.  
22 This is Wednesday, June the 11th, 2008.  
23 We're at the offices of Bobbie S. Crook,

**FREEDOM COURT REPORTING**

1           PC, in Dothan, Alabama. My name is Joey  
2           McClain representing Freedom Court  
3           Reporting. Would counsel identify  
4           yourself and state whom you represent.

5           MS. SWAIN: Jennifer Swain. I  
6           represent defendant Flavor House  
7           Products, Inc.

8           MS. ROBERTSON: And I'm Ann  
9           Robertson. I represent the plaintiff,  
10           Linda Thornton.

11           THE VIDEOGRAPHER: If you could  
12           swear the witness.

13           (Witness Sworn.)

14           THE COURT REPORTER: Usual  
15           stipulations?

16           MS. SWAIN: That's fine. Ann?

17           MS. ROBERTSON: Sure. That's  
18           fine with me. I'm sure -- do you want  
19           to read and sign this document? You  
20           don't have to.

21           THE WITNESS: No. I don't -- I  
22           don't care about it.

23           MS. ROBERTSON: Okay.

**FREEDOM COURT REPORTING**

1                   THE WITNESS: I don't need to.

2                   RICHARD LEWIS BENDINGER, JR., DO

3 (having been duly sworn, was examined and  
4 testified as follows:)

5                   EXAMINATION

6 BY MS. SWAIN:

7 Q         Could you state your name,  
8 please, for the record.

9 A         Richard Lewis Bendinger, Jr.

10 Q         Dr. Bendinger, my name is  
11 Jennifer Swain, and I'm an attorney that  
12 represents Flavor House Products, Inc., in a  
13 lawsuit that was filed against it by Linda  
14 Thornton. I'm going to ask you some  
15 questions today about your treatment and  
16 relationship with Ms. Thornton.

17 A         All right.

18 Q         Before I kind of get too far into  
19 that, I wanted to go just briefly over your  
20 educational background and qualifications.

21 Where did you receive your medical degree?

22 A         Do you want me to just go  
23 through -- I've got a bachelor of science

**FREEDOM COURT REPORTING**

1 degree from the University of Miami.

2 Q Okay.

3 A A bachelor of science degree in  
4 pharmacy from Auburn University. And I went  
5 to the University of Health Sciences in  
6 Kansas City, osteopathic medical school.

7 Q Okay.

8 A And I did a family practice  
9 internship in Atlanta, Georgia at Doctors  
10 Hospital. I've been in Abbeville, Alabama  
11 as a family practitioner for 24 years.

12 Q Okay.

13 A I'm board certified in family  
14 practice.

15 Q Great. And you are a DO?

16 A Right.

17 MS. ROBERTSON: So is my cousin,  
18 Michael Rosemoore, in Birmingham.

19 THE WITNESS: Okay.

20 A That's -- I was the 79th DO to be  
21 licensed in the state.

22 Q Is that right?

23 A Yeah.

**FREEDOM COURT REPORTING**

1 Q Okay. And what year was that?

2 A Eighty-two.

3 Q Okay. I am going to show you,  
4 Dr. Bendinger, what was provided to us by  
5 your medical office in response to the  
6 subpoena that was actually served by a prior  
7 law firm that was representing the same  
8 defendant. And you had indicated earlier  
9 that there might be some subsequent notes  
10 since that file has been produced. I just  
11 wanted to go ahead and establish what else  
12 might be in your file.

13 A Let's see. I had the progress  
14 notes. I was going to look and see if I  
15 could find all of them. Hold on just a  
16 second.

17 Q Actually, I think, just because  
18 I've been through those, I may be able to  
19 help you a little bit.

20 A The main thing I was looking for  
21 were the progress notes.

22 Q And this -- was this the -- would  
23 this be a progress note?

**FREEDOM COURT REPORTING**

1 A Yeah, that would be the progress  
2 note.

3 Q Okay. I can -- this may be the  
4 most recent one?

5 A 6/5.

6 Q Of this year is the last one you  
7 have?

8 A Uh-huh.

9 Q Okay. I have --

10 A You may have 5/12. I don't know  
11 if you've got 6/5.

12 Q No. I don't even have -- I think  
13 all I have is December of '07.

14 A That's why I was -- that's why I  
15 mentioned to you that we had --

16 THE WITNESS: Do you have all the  
17 latest ones or not?

18 MS. ROBERTSON: I have the same  
19 as she does. I'm just making sure I'm  
20 looking at the right ones. Are you in  
21 the Family Practice?

22 THE WITNESS: That's the last.

23 That's 11/30.

**FREEDOM COURT REPORTING**

1 Q Well, there's one after that, I  
2 believe.

3 A 12/19.

4 Q Is it 12/19?

5 A 12/19.

6 Q I've got that.

7 MS. ROBERTSON: So I've got the  
8 right --

9 THE WITNESS: You should have  
10 12/19.

11 MS. ROBERTSON: -- group. Yeah.  
12 There's your name. I have the right  
13 group.

14 A Yeah. Yeah. Okay. So these  
15 would be -- you don't have anymore --

16 Q There are some that are  
17 subsequent to that?

18 A Absolutely.

19 MS. ROBERTSON: Do we need  
20 copies?

21 MS. SWAIN: Yeah.

22 MS. ROBERTSON: Hold on. Let me  
23 get Angie to get copies.

**FREEDOM COURT REPORTING**

1                   MS. SWAIN: Get copies for each  
2                   of us. Can I get two copies, one to  
3                   give back to him and one for you and one  
4                   for me.

5                   THE VIDEOGRAPHER: Go off?

6                   MS. SWAIN: Yeah, why don't we  
7                   for just one moment.

8                   THE VIDEOGRAPHER: We're off at  
9                   4:22.

10                  (OFF THE RECORD.)

11                  THE VIDEOGRAPHER: We're back on  
12                  at 4:27.

13 BY MS. SWAIN:

14 Q               Dr. Bendinger, what I have done  
15 is separate from what I received from your  
16 file, just the, I guess you'd call these  
17 progress reports; is that right?

18 A               Yes, ma'am.

19 Q               And taken out the doctor's notes  
20 and different things like that. And what I  
21 would like to do is sort of briefly go  
22 through these. I think I have them in the  
23 order they were produced to me in which is

**FREEDOM COURT REPORTING**

1 --

2 MS. ROBERTSON: Backwards.

3 Q -- reverse chronological order,  
4 so I'm going to sort of start at the bottom  
5 and go forward.

6 A Sure.

7 Q If that works for you.

8 A Anything.

9 Q And the first date I have, I  
10 believe, is February 28th, 2005; is that  
11 right?

12 A That's the first day, right.

13 Q Okay. And that's the first time  
14 you treated Ms. Thornton?

15 A Yes. Yes, ma'am.

16 Q Okay. And at that time she was  
17 just coming to see you --

18 A Had a cold. A cold, sinus.

19 THE COURT REPORTER: Let her  
20 finish her question before you --

21 THE WITNESS: Oh, I'm sorry.

22 THE COURT REPORTER: -- start.

23 Q Yeah. I was just going to say

**FREEDOM COURT REPORTING**

1       she was coming to see you at that time for a  
2       sore throat?

3           A       Yes.

4           Q       And was there anything else that  
5       you treated her for in that visit?

6           A       No. I gave her just some  
7       antibiotics and some medicine for nausea and  
8       that was about it.

9           Q       And was she on any other kinds of  
10      medications when she came to you that day?

11          A       Not then.

12          Q       All right. And then when was the  
13      next time that you treated Ms. Thornton?

14          A       7/19/05.

15          Q       And what did you treat her for at  
16      that time?

17          A       She had fallen at work at Flavor  
18      House. I guess they had sent her to their  
19      primary care physician and done some x-rays,  
20      put her in a splint. She'd hurt her knee.  
21      And so she came up just to see what -- you  
22      know, if we could do anything else for her  
23      knee. And she also stated that she had the

**FREEDOM COURT REPORTING**

1       stomach virus that went through the entire  
2       family, and she wasn't able to go to work  
3       for July 7th, 8th, and 9th and so she needed  
4       a note. And she was complaining of some  
5       menopausal symptoms. She'd had a previous  
6       hysterectomy.

7           So we took a look at her knee. She had  
8       a -- about a four centimeter contusion on  
9       her left knee. I also gave her some  
10      medicine for pain, a note for light duty,  
11      some Prednisone, and in addition for like  
12      the menopausal symptoms, gave her some Paxil  
13      and talked to her about the pluses and  
14      minuses, the risks and benefits of estrogen  
15      at that time.

16           Q       What is Prednisone or what was  
17      that for?

18           A       Prednisone is -- is a type of  
19      cortisone and she used for swelling and  
20      inflammation and when you're -- it's usually  
21      tolerated better than the nonsteroidal  
22      anti-inflammatories like Motrin, Advil. And  
23      you don't -- you can't give it as long but

**FREEDOM COURT REPORTING**

1       it's usually more powerful and tolerated  
2       better, so, you know, gets better quicker.

3           Q       Okay. And then the Lortab was  
4       for the pain?

5           A       For pain.

6           Q       Okay. And can you read me what  
7       -- I can't read what this says here.

8           A       That discussed risks and benefits  
9       of estrogen.

10          Q       Okay.

11          A       And then I put her on Paxil,  
12       also.

13          Q       Okay. Great. All right. And  
14       then the next time you treated her was?

15          A       9/9 of '05.

16          Q       And that was for?

17          A       She had several complaints.  
18       Elevated blood pressure, headache, nose  
19       bleeds, some chronic shoulder and neck pain.  
20       On the significant part of the exam she had  
21       some rhinitis and sinusitis, and I gave her  
22       some Nasonex necks nasal spray, some  
23       Benicar, which is a blood pressure medicine,

**FREEDOM COURT REPORTING**

1 told her to watch her sodium and caffeine,  
2 gave her something for the pain for her neck  
3 and shoulder. And she came that day already  
4 on Paxil, which is the  
5 antidepressant/antianxiety agent, Premarin  
6 and Nexium.

7 Q And what was she on that Paxil  
8 for at the time?

9 A That was like those menopausal  
10 symptoms we talked about previously.

11 Q And the Premarin was also for  
12 menopause.

13 A Estrogen.

14 MS. ROBERTSON: That's what gives  
15 you breast cancer.

16 MS. SWAIN: As you well know.

17 MS. ROBERTSON: As I well know.

18 Q And Nexium?

19 A It's for, like, gerd.

20 Q Like heartburn?

21 A Right.

22 Q And that day when she came in to  
23 see you her blood pressure was 130 over 90?

**FREEDOM COURT REPORTING**

1 A Yes.

2 Q What do you consider to be the --  
3 the cutoff for when blood pressure  
4 medications are advised?

5 A Usually if their -- if their  
6 lower number, their diastolic is much over  
7 85 after you've discussed salt retention and  
8 make sure they're not taking any over the  
9 counter medicine, that kind of thing -- .  
10 if -- it used to be 90 but now the studies  
11 are showing that we need to be a lot more  
12 aggressive about the treatment of blood  
13 pressure so we start treating them a little  
14 earlier. And so that's why we put her on  
15 something then because it was -- even though  
16 it wasn't terribly up, it was up.

17 Q Did Ms. Thornton's weight, in  
18 your opinion, contribute at all to her  
19 increased blood pressure -- blood pressure?

20 A Weight always has some effect,  
21 you know.

22 Q Did you consider Ms. Thornton to  
23 be overweight at 235 pounds?

**FREEDOM COURT REPORTING**

1           A       At 235 pounds, she was a little  
2       bit overweight.

3           Q       And does smoking affect blood  
4       pressure?

5           A       Absolutely.

6           Q       Is -- and your understanding is  
7       that Ms. Thornton smoked?

8           A       I didn't -- I don't -- I don't  
9       recall at the time.

10          Q       Okay. Do you know whether you  
11       ever discussed with her weight loss or  
12       stopping smoking?

13          A       Yes. We discussed -- I don't  
14       know about the smoking, but I know we  
15       discussed weight loss because I've got -- if  
16       I remember correctly that's documented  
17       somewhere in there.

18          Q       Okay. Well, this may shock you  
19       but your handwriting is --

20          A       I know is a --

21          Q       -- a little bit difficult to  
22       read.

23          A       I know. I know. And I'm sorry.

**FREEDOM COURT REPORTING**

1 MS. ROBERTSON: Actually, I'm  
2 having very little trouble reading it.

3 A And I'm -- and I'm sorry.

4 Q And it may be just me.

5 A You're right.

6 MS. ROBERTSON: My handwriting --  
7 my handwriting is so bad that 30 minutes  
8 later I can't read my own handwriting.  
9 So there you go.

10 BY MS. SWAIN:

11 Q The next time you treated  
12 Ms. Thornton was October 5th, 2005, it looks  
13 like?

14 A Right. She came in with a knot  
15 on her right wrist. She was congested,  
16 needed some of her medicines refilled. She  
17 told me at that time she'd had an increase  
18 in her work stress. She was -- discussed  
19 some sexual harassment. I don't recall  
20 exactly -- I didn't write down all the  
21 details of it at that point.

22 Q Do you know if you discussed the  
23 details with her during that visit?

**FREEDOM COURT REPORTING**

1           A       I think we just primarily  
2       discussed that she was having a difficult  
3       time at work and being harassed at work but  
4       not the specific details of who was doing it  
5       or anything like.

6           Q       What does that say after it says  
7       "being harassed," what is the next thing it  
8       says right there?

9           A       Discussed with patient.

10          Q       Oh, okay.

11          A       Anyway, the -- she had sinusitis.  
12       She had a -- a cyst on her hand, about one  
13       centimeter on the palm side of her hand. We  
14       gave her an antibiotic, some Keflex, an  
15       antihistamine decongestant for drainage,  
16       something for cough, told her to continue  
17       the Paxil, and I give her something for  
18       pain -- for shoulder pain.

19          Q       That's the Lortab --

20          A       Right.

21          Q       -- for that?

22          A       Uh-huh.

23          Q       Excuse me. And at this visit her

**FREEDOM COURT REPORTING**

1       blood pressure was 140 over 80; is that  
2       right?

3           A       That's right.

4           Q       So the 80 is better but the 140  
5       is worse and --

6           A       140 is kind of right on the --  
7       right on the -- the border of where you  
8       would probably -- at this point you'd  
9       probably treat. And I would say three years  
10      ago or four years ago, this is three years  
11      ago, but we're more aggressive even now than  
12      we were then.

13          Q       So on this visit with the 140  
14      over 80, did she -- did she continue any  
15      blood pressure medication?

16          A       We had -- we had been giving her  
17      samples of Benicar and that wasn't written  
18      down here but it -- you know, the entire  
19      time that we had been treating we'd been  
20      giving her back samples of that medicine  
21      because it's expensive.

22          Q       So she was still taking that?

23          A       Yes, ma'am.

**FREEDOM COURT REPORTING**

1 Q All right. And the next time you  
2 treated her it looks like November 10th,  
3 2005, or was that a treatment or was that  
4 just a call in?

5 A No. That was a treatment. She  
6 came in and she needed a refill on her  
7 medicine. She -- at that time, I'm -- I  
8 don't know why the Benicar wasn't written  
9 down. I usually, you know, ask them, but  
10 written down was Nexium, Lortab, and Paxil.  
11 And she was having some right shoulder pain  
12 again that she'd come in for several times  
13 before. And we gave her some -- again,  
14 something for pain, some more Prednisone.  
15 And she was also having -- above that is  
16 bilateral heel pain. I thought she was  
17 having a little tendonitis in her heels.  
18 Pretty common for some -- anybody that's on  
19 their feet a good bit.

20 Q Okay. The next time you treated  
21 her was November 25th -- oh, I'm sorry.

22 A That's a call in.

23 Q This is just a call in?

**FREEDOM COURT REPORTING**

1 A Yes, ma'am.

2 Q She was just calling to get --

3 A Something for cough.

4 Q All right. And that was -- let  
5 me see because I don't have this --

6 A 11/25 of '05.

7 Q Okay. And then the next time you  
8 actually treated her was January 16th, 2006?

9 A Right.

10 Q Is that right?

11 A Uh-huh. She was still complaining  
12 of chronic shoulder pain. She had some  
13 stuff on her right lumbar -- lumbosacral LS  
14 tenderness, left shoulder was popping, and I  
15 diagnosed her with just a diagnosis. She --  
16 she basically had some chronic back pain,  
17 chronic shoulder pain, gerd, which is  
18 gastroesophageal reflux disease, and gave  
19 her medicine for pain. And I told her she  
20 needed to come back and have a pelvic exam.  
21 She'd had a hysterectomy, so she didn't need  
22 a, you know, pap smear. And then we  
23 scheduled her for a mammogram at the Medical

**FREEDOM COURT REPORTING**

1 Center on that visit.

2 Q Okay. So on that -- the meds you  
3 have listed here on the right --

4 A Nexium.

5 Q -- is that what you prescribed or  
6 what she was on? What are those?

7 A What she was on. Generally the  
8 medicines on the right column like that are  
9 what they -- they -- the nurse asks them  
10 when they come in, What are you taking? Or  
11 sometimes they write down the ones from  
12 previous visit.

13 Q Okay. So can you tell -- so  
14 she -- then down here would be in the middle  
15 of the page is what you put her on from this  
16 visit?

17 A On this visit what I gave her was  
18 some additional pain medicine.

19 Q That was the Lortab?

20 A And that was the only -- right.  
21 That was the only medicine that she was  
22 prescribed on this visit. The rest -- rest  
23 of the time we ordered a mammogram and told

**FREEDOM COURT REPORTING**

1       her that she needed to come back for, you  
2       know, a female exam.

3           Q       Okay. And what does this mean  
4       here where it says --

5           A       Complaint of, C-O.

6           Q       Okay. So complaint of patient,  
7       needs meds refilled?

8           A       Refilled. That was really the  
9       reason she was there was just to get that  
10      Lortab refilled.

11          Q       Okay. The next visit looks like  
12      -- well, this one -- is this out of order or  
13      is that the wrong date or do you know?

14          A       I think whoever wrote that didn't  
15      write '06 and wrote '05. That's the only  
16      thing I can figure..

17          Q       But you think it probably was  
18      '06?

19          A       I think probably it was '06. I  
20      didn't alter it. But that's -- that was --  
21      when I looked through the -- when I looked  
22      through the, you know --

23          Q       It would make sense.

**FREEDOM COURT REPORTING**

1           A       Anyway, she was complaining of  
2       sty in the right eye. She needed an order  
3       for a mammogram. We'd given her one before  
4       but I think she had missed the appointment.  
5       Complaining of lumbar tenderness, chronic  
6       right shoulder pain. And then on exam she  
7       still had left shoulder pain, some  
8       lumbosacral tenderness, diagnosis was  
9       chronic pain, myositis, which is muscle  
10      soreness and tendonitis in the left  
11      shoulder.

12           I told them to schedule another  
13      mammogram appointment for her. We gave her  
14      some pain medicine and some Maxitrol eye  
15      drops. M-A-X-I-T-R-O-L. That was for the  
16      sty in her eye.

17           Q       Okay. March 16th, '06, refills  
18      on meds?

19           A       Right. She was having chronic  
20      left shoulder pain still. Also bilateral  
21      foot pain. She was having pain in both  
22      heels like I'd described previously.  
23      Basically was there for her usual medicine,

**FREEDOM COURT REPORTING**

1 which is the pain medicine. And we also at  
2 that time gave her some more Prednisone for  
3 her, which is the cortisone for her heels to  
4 hopefully get them back. It's a really  
5 tough thing to have to treat.

6 Q Is there -- it looks like she  
7 went from being on Lortab to Loracet. Is  
8 there -- what is the difference between  
9 those two?

10 A Not much. There's -- Loracet is  
11 650 milligrams of -- of acetaminophen in it  
12 where Lortab is 500, and sometimes one works  
13 a little better than the other.

14 Q And it looks like on the same  
15 page there's a note of a call in.

16 A Yeah. Blood pressure was 138  
17 over 99 and the -- wanted to know if she  
18 could take a half of a Benicar, which is  
19 what she was on for blood pressure, and the  
20 nurse advised her to take it and -- because  
21 I'd given her samples last time she was  
22 there.

23 Q Do you know why if she already

**FREEDOM COURT REPORTING**

1 had the medication she was calling to ask if  
2 she could take it?

3 A An extra half I think because --

4 Q In addition to her dosage?

5 A Right, right.

6 Q And the 138 over 99, was that --

7 A That's considered -- well, the 99  
8 number is really considered the problem.

9 Q Sure. But my -- my question was  
10 whether that was blood pressure she had  
11 taken herself or taken it somewhere else and  
12 called and reported to you or did she come  
13 in and have --

14 A No. She -- she had either taken  
15 it herself or had gone somewhere to take it.  
16 We did not take it.

17 Q She reported that number to your  
18 office?

19 A Right.

20 Q And then she came in it looks  
21 like the following day -- is that the  
22 following day?

23 A Uh-huh. Yes.

**FREEDOM COURT REPORTING**

1 Q Yes. Okay. Got my papers messed  
2 up now. Okay. And by that time her blood  
3 pressure was 120 over 90 it looks like.

4 A Yes. And --

5 MS. ROBERTSON: Are y'all sure  
6 it's 90?

7 THE WITNESS: It's 120 over 80.

8 MS. SWAIN: Did I get the wrong  
9 page?

10 MS. ROBERTSON: No. Y'all just  
11 can't read funny writing.

12 Q I think I'm --

13 A Where are you at? Let me see  
14 your page.

15 Q Here. Please help me. What am I  
16 doing? Thank you. I was --

17 A Oh, okay.

18 Q I was switching the papers the  
19 wrong direction. Okay. So it was 120 over  
20 80 by the next day --

21 A Right.

22 Q -- when she got to your office?

23 A Right.

**FREEDOM COURT REPORTING**

1 Q And that's normal; correct?

2 A That's good.

3 Q Anything else on that day?

4 A No. Just the usual. I --

5 diagnosis of hypertension, chronic shoulder

6 pain, back pain, anxiety. She was given

7 the -- the Benicar and told to take a half

8 at night. And I added Hydrochlorothiazide in

9 the morning, which is a diuretic, and

10 sometimes when one of the blood pressure

11 medicines does not control the blood

12 pressure by itself, you add a second one.

13 And -- and usually a diuretic is what you

14 add because, especially in females, often

15 they retain fluid anyway, and it helps them

16 not only reduce the fluid but at the same

17 time lower their blood pressure. I'd given

18 her a prescription for Nexium to take at

19 bedtime, which she was already on. She just

20 needed a prescription. And Lortab at that

21 that point. And then I wrote down Benicar

22 was added at bedtime for her blood pressure

23 elevation, probably secondary to work

**FREEDOM COURT REPORTING**

1 stress.

2 Q And what made you think that the  
3 blood -- blood pressure elevation was  
4 probably secondary to work stress?

5 A When -- I mean, usually she would  
6 say, I'm, you know, having a hard time at  
7 work. We didn't get into any specifics or I  
8 would have written it down. But, you  
9 know --

10 Q That was just based on what she  
11 reported to you?

12 A Uh-huh, uh-huh.

13 Q Is that a yes?

14 A Yes. I'm sorry.

15 Q It's all right. It's just --

16 A Yeah, I know. I know.

17 Q At this visit her weight was  
18 259.3; is that correct?

19 A That's correct.

20 Q Which was what, about, what  
21 35 pounds --

22 A 30 pounds --

23 Q -- more --

**FREEDOM COURT REPORTING**

1 A More than it was before.

2 Q So you think that may have had  
3 some impact on her blood pressure?

4 A Absolutely.

5 Q This one -- the next --

6 A The next one.

7 Q The next one, 5/3/06, it looks  
8 like.

9 A No.

10 Q Is that correct?

11 A 5/29/06 is what I thought.

12 Q Did I skip one?

13 A Let me see. Let me see your  
14 note.

15 Q Okay. There's one between -- do  
16 you have this?

17 A Oh, I'm sorry. I'm doing it now.

18 Q You're going backwards, too.

19 A Yeah. She returned on Benicar  
20 for blood pressure. This probably would  
21 have been considered more of a -- just a --  
22 a routine visit. We gave her a shot of Depo  
23 Medrol for her heel pain, foot exercises,

## **FREEDOM COURT REPORTING**

1 her pain medicine, gave her more samples of  
2 blood pressure medication, Benicar, told her  
3 to continue her Paxil.

4 Q And -- and was the purpose for  
5 the Paxil still the menopause symptoms?

6                   A         Well, it's -- it's -- it was  
7 probably a little bit of both.

8 | Q Okay.

9                   A         I mean, because with -- with  
10      menopause, you know, you -- a lot of women  
11      are very -- have mood swings, are very  
12      anxious.

13 MS. ROBERTSON: Oh, no, Doctor,  
14 not really.

15                   A         But they're -- you know, so the  
16 Paxil does help that.

17 Q Okay.

18 MS. ROBERTSON: Can we go off the  
19 record?

20 MS. SWAIN: Yes.

21 THE VIDEOGRAPHER: We're off at  
22 4:47.

23 (Off The Record.)

**FREEDOM COURT REPORTING**

1                   THE VIDEOGRAPHER: We're back on  
2                   at 4:47.

3 BY MS. SWAIN:

4                   Q       On the May 3rd, '06, visit, just  
5 so I'm -- make sure my mind is clear on  
6 this, she stated on the Lortab, whatever the  
7 one with the D is you told me --

8                   A       Depo Medrol. It's --

9                   Q       Depo Medrol?

10                  A       That injectable --

11                  Q       For the heel?

12                  A       -- cortisone for the heel.

13                  Q       Okay. The Benicar --

14                  A       Samples.

15                  Q       And then the Paxil?

16                  A       Paxil.

17                  Q       Correct?

18                  A       Right.

19                  Q       All right. Then 5/25/06, is that  
20 just a call in?

21                  A       She called in wanting some Paxil.

22 She was out.

23                  Q       Okay. So y'all just called that

**FREEDOM COURT REPORTING**

1 --

2 A So we phoned some in.

3 Q Okay. And then we got the 5/29  
4 one; correct?

5 A Right. Says she was complaining  
6 of left foot tendonitis on the plantares  
7 that are bottom side. We call it plantar  
8 fasciitis because tendons on the plantar or  
9 bottom side of the foot get inflamed. And  
10 so at that time we gave her some more pain  
11 medicine. Prior to that she was on 20  
12 milligram Paxil and at this visit we gave  
13 her 40 milligram Paxil, which is a little  
14 higher dose.

15 Q Okay.

16 A She's -- and I just documented  
17 that she was unable to take nonsteroidal  
18 anti-inflammatories because of GI upset.  
19 She had tried Feldin and Motrin all with  
20 problems taking -- taking that. She also  
21 complained of having problems with stress at  
22 work. She was -- stated she's being  
23 harassed. Nothing was being done. She was

**FREEDOM COURT REPORTING**

1 thinking about quitting her job. And I just  
2 told her to continue the Paxil, and we gave  
3 her a little higher dose.

4 Q Did she during that visit  
5 describe to you in any -- any further than  
6 what you have here in your notes the nature  
7 of any alleged harassment?

8 A No. That -- that I can remember,  
9 no.

10 Q And this may be obvious, but your  
11 knowledge of that is based on what she told  
12 you; correct?

13 A Absolutely.

14 Q You didn't have any personal  
15 knowledge of what was going on at her  
16 workplace?

17 A No, ma'am.

18 Q And at the top right here it says  
19 complains of, does RF mean right foot?

20 A Refill on Lortab.

21 MS. ROBERTSON: Close, Jennifer.

22 MS. SWAIN: Sorry.

23 THE WITNESS: I know. I know.

**FREEDOM COURT REPORTING**

1                   MS. SWAIN: I will be there by  
2                   the end of the day. I got the letters  
3                   right.

4 BY MS. SWAIN:

5 Q       So June 20th, '06, looks like the  
6 next day; is that correct?

7 A       Yes.

8 Q       And that's also for a refill on a  
9 meds visit?

10 A      Yes. She was having back and  
11 lumbar pain when she came in that time and  
12 so I told her to get off her feet. So we  
13 kept her out of work, you know, that week,  
14 gave her a refill on her pain medicine, and  
15 we scheduled her for a MRI of her lumbar  
16 spine at the Medical Center. I'm trying to  
17 see if there's anything else. I refilled  
18 her Hydrochlorothizide and her Benicar.

19 Q       What is the HTZE?

20 A      Hydrochlorothizide. That is the  
21 little water pill that we put her on back a  
22 couple visits ago for her high blood  
23 pressure.

**FREEDOM COURT REPORTING**

1 Q All right. And you indicate down  
2 here at the bottom, it says, No work this  
3 week. Is that --

4 A Right.

5 Q Did she tell you anything else  
6 about her work situation during this visit?

7 A No.

8 Q Did she complain about anxiety  
9 during this visit?

10 A No.

11 Q Or increase in blood pressure or  
12 anything like that?

13 A Her main complaint on this time  
14 was really her back. It was really hurting  
15 her, and so that was one reason I wanted her  
16 off her feet.

17 Q Okay. Then the next time was  
18 July 18th, '06?

19 A Right. Refill on medicines. We  
20 discussed her anxiety, her blood pressure,  
21 back pain. She was there for refills. We  
22 -- see if we did anything. Gave her a  
23 refill on her pain medicine and her Paxil.

**FREEDOM COURT REPORTING**

1       Gave her some Protonix. If you notice a  
2       couple visits before she was on Nexium.  
3       This is just another similar drug to that.  
4       That's what that's for. And I gave her some  
5       Atuss MS, which is a cough medicine. A lot  
6       of times as I'm going out the door somebody  
7       will say, Well, I need something for cough,  
8       and that's how that happened.

9           Q       Okay.

10          A       Again, there were no specifics.  
11          Just basically she was having some anxiety.

12          Q       Okay. All right. Next visit,  
13          September 12th, '06; is that correct?

14          A       That's right. She had -- had an  
15       episode of the hives. The medical name for  
16       that is Urticaria. Hives is where your body  
17       releases a lot of histamine from the mast  
18       cells in the -- in the body and what happens  
19       is you turn red all over, you get huge welts  
20       all over from head to toe and you itch from  
21       the top of your head to the bottom of your  
22       feet. Sometimes that progresses to  
23       shortness of breath and even anaphylactic

**FREEDOM COURT REPORTING**

1       shock depending on how much histamine is  
2       released into the body and how the body  
3       reacts to it.

4           Q       That's generally an allergic  
5       reaction to something?

6           A       Yes. And sometimes it --  
7       urticaria occurs by itself sometimes.  
8       Sometimes it occurs as a result of, you  
9       know, a medicine or a chemical or exposure  
10      to something. Chronic urticaria can occur  
11      from such things as anxiety can trigger it.  
12      There are just different triggers. Often  
13      times unless it occurs more than once  
14      without a specific reason, it's very  
15      difficult to know exactly what caused it.

16           Q       Okay.

17           A       Basically, we gave her a shot of  
18      Epinephrine. Gave her a shot of Decodran,  
19      which was another cortisone-type  
20      preparation. Gave her some Benadryl -- a  
21      shot of Benadryl. All three which would  
22      help reverse the reaction in the mast cells.  
23      And I sent her home with a prescription for

**FREEDOM COURT REPORTING**

1 Epupin, which is medicine. Usually if it --  
2 if this occurs multiple times it can  
3 progress to where your throat starts to  
4 close off, so I always like to send the  
5 patient home with Epupin to make sure they  
6 don't have a breathing problem. They have  
7 it home ready to go. I gave her some  
8 Claritin, which is nonsedating antihistamine  
9 that lasts 24 hours. I gave her some of  
10 that, some more Prednisone and then refilled  
11 her pain medicine.

12 Q And looks like she called in on  
13 the 18th of September for --

14 A Cough medicine.

15 Q -- cough medicine? Yeah.

16 A Right.

17 Q Is that January 8th, '07, was the  
18 next visit?

19 A Yes. Lumbar disk disease, back  
20 pain, which had increased lately. She was  
21 having pain that went into her lower  
22 extremities, the left side greater than the  
23 right. We gave her some Robaxin muscle

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1 relaxant, bedtime. She had been off her  
2 Paxil and she had taken some Goody powders  
3 and was taking some Goody powders according  
4 to the nurse when she came in. So I went  
5 ahead and put her on some Feldene and gave  
6 her some Omeprazole. Omeprazole is the  
7 generic word for Prilosec. Prilosec is  
8 another one of the same drugs used for  
9 reflux. It's just -- depends on her  
10 insurance plan and all that, which one you  
11 prescribe a lot of times. They all work  
12 about the same.

13 Q What about the Feldene? What is  
14 that?

15 A Feldene is an anti-inflammatory  
16 we tried to get her to take again along with  
17 the Omeprazole. Sometimes if you take those  
18 along with one of these medicines, you can  
19 tolerate it even for a day or two.

20 Q And she was -- what is the next  
21 thing after the Feldene, beneath that?

22 A Robaxin 750. It's a muscle  
23 relax -- skeletal muscle relaxant. I gave

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1       that to her at bedtime because it does  
2       cause -- it tends to cause drowsiness.

3           Q     Is it a sleep aid?

4           A     It's a -- it's a muscle relaxer.

5       What -- what it helps do in -- in patients,  
6       especially patients that have that pain  
7       spasm cycles, it helps the muscles try to  
8       relax some and that reduces the overall  
9       pain.

10          Q     Okay.

11          A     And it does cause drowsiness, so,  
12       again, we like to give it at night.

13          Q     Sure. You said the next visit  
14       was February 5th, 2007, again, for back  
15       pain?

16          A     Right. She came in. She had --  
17       she was having the same thing. Just low  
18       back pain. Prevertebral muscles, which are  
19       the muscles around -- surrounding the low  
20       back were tender. We -- I gave her some  
21       Zanaflex, which is another type of skeletal  
22       muscle relaxant. It's not as sedating to  
23       some people. I gave her a refill on her

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1 pain medicine. And she related to me at  
2 that time that some 15 years ago she was  
3 diagnosed by Dr. Varner with disk disease.  
4 He had done x-rays but no MRI was done. She  
5 got a shot of Decodran, which is the  
6 anti-inflammatory. That was pretty much it.

7 Q Okay. March 9th, '07, is that --

8 A That's a call in. Yeah. She  
9 needed some Paxil.

10 Q Had she been -- it looks like she  
11 had been off Paxil but wanted to start it  
12 back.

13 A Right.

14 Q Do you know why she wanted to  
15 start it back?

16 A No, she didn't say.

17 Q And then she came in for an  
18 office visit it looks like on March 23rd,  
19 '07?

20 A Yes. She needed her medicine  
21 refills, complained of back pain. At that  
22 time -- you asked earlier about a diet. We  
23 discussed a diet. I gave her some medicine

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1 to help suppress her appetite in addition to  
2 regular medicines, which included the  
3 Zanaflex, which is the muscle relaxant, the  
4 pain medicine, and the Decadron shot, which  
5 was for the inflammation.

6 We also did a thyroid test on her.

7 People that have difficulty losing weight  
8 sometimes sometimes have a thyroid problem,  
9 so we checked it. It was normal.

10 Q Okay. What does this say over  
11 here --

12 A Keep --

13 Q -- right -- left side of the  
14 page? I'm sorry.

15 A Discussed diet and I gave her  
16 some Fastin, which is --

17 Q That's the --

18 A Appetite suppressant, yes, ma'am.

19 Q Okay. Is that April 30th, '07?

20 A April 30th. Right.

21 Q She came in for a chest cold?

22 A Back pain, chest cold. She had  
23 bronchi wheezes, which are noises you hear

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1       when you listen to the chest when somebody  
2       has either bronchitis or pneumonia or  
3       inflammation in their chest because of a  
4       cold or bronchitis. And at that time I gave  
5       her an antibiotic, the Keflex. The Durahist  
6       PE just above that is an antihistamine  
7       decongestant. I gave her something for  
8       cough. And on the right of that, Rocephin,  
9       which is injectable antibiotic, Depo Medrol,  
10      which is cortisone-type medicine, Lorcet for  
11      pain.

12           And she mentioned -- this is another  
13      kind of leaving toward the end, that she was  
14      having a lot of snoring and kind of gasping  
15      at night, and I just kind of wrote myself a  
16      little note to talk to her later about maybe  
17      doing a sleep study. That's what that is on  
18      the bottom.

19           Q       The next visit looks like  
20      June 4th, 2007.

21           A       Right. That's pretty much just a  
22      routine visit for the medication. When you  
23      use narcotics for pain or chronic pain like

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1       this, the state usually likes you not to  
2       phone them in and see the patient every  
3       month so that way you can make sure they're  
4       being taken properly, that kind of thing.

5       So that's one reason why some of these are  
6       just sort of "I'm here, I need my refill."

7           Q       Okay. And that's what this one  
8       was?

9           A       Yes, ma'am.

10          Q       And you just prescribed the  
11       Lorcet?

12          A       Yes. Uh-huh.

13          Q       And the next one 8 --  
14       August 10th, 2007?

15          A       August 10th, she came in for  
16       usual checkup. She complained of a cough  
17       and cold. That's C and C. She had a bump  
18       on her right wrist she wanted removed.  
19       The -- on the exam she had some sinusitis  
20       and upper respiratory track infection. I  
21       noticed that she did have a cyst on her  
22       right wrist, and I told her that we need --  
23       usually I like to bring the patient back and

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1       schedule excision of the cyst. It's usually  
2       not time enough to do it just on a regular  
3       visit, so I have certain days that I like to  
4       get patients in to remove places like that.

5           Q       Okay.

6           A       And so we gave her her pain  
7       medicine, antibiotic, something for cough, a  
8       couple of shots, something for drainage.  
9       And I gave her Klonopin, which is an anxiety  
10      drug, and I didn't make any specific -- so  
11      she may have asked for something for -- else  
12      for anxiety as I left but I didn't write it  
13      down.

14          Q       Would that be some -- like,  
15      instead of Paxil? Is that --

16          A       You would take it in addition to.

17          Q       Was she still taking the Paxil at  
18      this time? I don't see that on here.

19          A       I don't think so, at that time.

20          Q       Would there be a reason to take  
21      instead of the other or without the other?

22          A       Uh-huh. Sometimes the -- the  
23      Klonopin would help a little more if you're

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1 having difficulty sleeping. It's probably a  
2 little better for -- for anxiety but it's  
3 not as good for depression.

4 Q Up until at least this visit on  
5 August 10th, 2007, had Ms. Thornton  
6 described for you at all what any of the  
7 workplace stress or alleged harassment was  
8 that she claims she experienced?

9 A I -- I don't remember that she  
10 had. I usually try to write that down  
11 and -- and I don't remember that she did.

12 Q Okay. And up until this point,  
13 had -- I understood that she had expressed  
14 to you that she was experiencing anxiety.  
15 Had she reported any physical symptoms that  
16 she -- well, I guess, the blood pressure she  
17 claimed was perhaps caused by the -- by  
18 that.

19 MS. ROBERTSON: Object. She  
20 didn't claim it. He claimed it. She  
21 reported it and he diagnosed it. I  
22 object.

23 MS. SWAIN: Thank you.

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1 Q She reported that she believed  
2 the blood pressure was due to her work  
3 stress; correct?

4 A Well, I made a note in there  
5 about the -- the relationship between the  
6 anxiety and the blood pressure back here.  
7 Now whether or not -- you know, it's been a  
8 long time. I don't whether --

9 Q Which way that started?

10 A -- she said -- yeah. Yeah.

11 Q Okay. Your next note -- it looks  
12 like your next visit looks like 9/17/07?

13 A Right. And that time she came in  
14 for a monthly checkup and whatever, cough.  
15 And then we had a pretty lengthy discussion  
16 at that time about her prior job. I guess  
17 at that point she was no longer at Flavor  
18 House, and she was expressing a lot of  
19 anxiety about running into her old boss.  
20 The -- she was very anxious about she was  
21 involved -- she told me she was involved in  
22 a lawsuit with the previous employer for  
23 sexual harassment. I wanted her to continue

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1       the Klonopin, and also I told her to go to  
2       Headland Police Department and get a  
3       restraining order, or whatever, to, you  
4       know, relieve some of her fears. She was  
5       afraid of the old boss coming into her  
6       workplace. She wouldn't go anywhere to --  
7       we scheduled a couple of mammograms, and so  
8       at this point I'm understanding that she's  
9       -- she won't go out by herself. Her husband  
10      works all day apparently, and so she  
11      wouldn't go get any of those tests done  
12      because she was afraid of doing it by  
13      herself.

14           Q     Did she tell you what prompted  
15      her to bring up this issue on this  
16      particular visit?

17           A     No, not that I can recall.

18           Q     Were you aware or had  
19      Ms. Thornton told you that she had left her  
20      employment with Flavor House in June of  
21      2006?

22           A     No.

23           Q     And were you aware on this visit

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1       that this was around the time she actually  
2       filed her lawsuit against Flavor House?

3                  MS. ROBERTSON: Object. She was  
4       served her lawsuit.

5                  MS. SWAIN: Would you just state  
6       your objection, please.

7                  A       No.

8                  Q       Did she indicate to you whether  
9       she had seen her -- the person she described  
10      to you as her old boss at any time since  
11      she'd left her employment at Flavor House?

12                 A       I don't recall. I don't -- I  
13      don't know. I know we talked some about --  
14      in -- she worked in a convenience store  
15      situation, and there were people that came  
16      in from time to time that she told me she  
17      was kind of afraid of that were -- either  
18      worked there or knew somebody that worked  
19      there. I didn't document all of that here,  
20      but I remember her saying some of that. But  
21      as far as seeing her old boss, I can't  
22      remember.

23                 Q       Did she tell you the name of the

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1 person that she was afraid of?

2 A Later on.

3 Q But not on this visit?

4 A Not on this visit.

5 Q Do you know now that -- that the  
6 person that she was describing that  
7 particular visit was a person named Frank  
8 Williams?

9 A Yes.

10 Q So that is the person she was  
11 talking about here she was --

12 A Apparently so.

13 Q -- she was afraid of?

14 A Yes, ma'am.

15 Q Did she discuss to you at all  
16 what it was he had supposedly done to her  
17 that made her become afraid of him?

18 A Not on this visit. We -- we  
19 talked later on about some of the -- you  
20 know, just acting, threatening toward her  
21 but nothing -- I don't recall even in later  
22 visits that I documented anything about  
23 physical abuse or anything like that. It

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1 was all, you know, calling names and things  
2 like that.

3 Q Okay. Let's look at the next  
4 note from October 16th, 2007.

5 A Yes. Came in on the -- look back  
6 here -- on the -- we did -- the previous one  
7 was the -- wait a minute. We did October;  
8 correct?

9 Q We just -- we need to do October.  
10 We just finished September.

11 A Okay.

12 MS. ROBERTSON: You need a  
13 notebook like me.

14 THE WITNESS: I do.

15 A She'd gone to the emergency room  
16 several days before this visit complaining  
17 of chest pain. She was evaluated and  
18 basically they diagnosed her with severe  
19 anxiety. She told me that she had her  
20 deposition the next month, anxiety was  
21 making her head spin. We talked about a  
22 couple of different antidepressants. She  
23 had failed on Wellbutrin. We had put -- I

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1 put her on Zoloft, which is another  
2 antidepressant/antianxiety agent. And I  
3 suggested that she go see Dr. Cobbleshots,  
4 who is a female psychologist, to talk about  
5 her anxiety and -- and getting over some of  
6 those issues. And then, of course, we  
7 refilled all of her other medicine.

8 Q When you say she failed on  
9 Wellbutrin, that -- was that something that  
10 you had given her earlier on or something  
11 she had -- she reported that she had taken  
12 sometime prior?

13 A Failed previously. Failed  
14 previously at some point. I -- I've never  
15 given --

16 Q With a different doctor?

17 A Right.

18 Q And do you know whether she went  
19 to go see Dr. cobbleshots?

20 A I think you will see in a later  
21 progress note, there were -- there were  
22 insurance issues. She couldn't go see her.

23 Q Did she discuss with you during

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1       this particular visit in October, that --

2       that -- that problem with her insurance?

3           A       No.   It was --

4           Q       Okay.   That's -- it came up  
5       later?

6           A       Right.

7           Q       All right.

8           A       I suggest -- I suggested an  
9       appointment, and I think the next visit we  
10      actually made the appointment.   I'm sorry.

11          Q       No, that's okay.   I'm -- I'm  
12      looking at --

13          A       11/30.

14          Q       I don't know that I have 11/30.

15               MS. SWAIN:   Do you have 11/30,  
16      Ann?

17               MS. ROBERTSON:   Yeah.   It's  
18      misdated.   It's got 11/30/02, which I  
19      don't really think is right.

20               THE WITNESS:   It's '07 with a  
21      tail, I think.   Yeah.

22               MS. SWAIN:   Okay.   I've got it  
23      out of order.

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1 MS. ROBERTSON: Yeah. There's  
2 another 7 that looks like that I found.  
3 I figured that out.

4 MS. SWAIN: I tell you what, just  
5 in the interest of saving time, I don't  
6 think I have that document for some  
7 reason --

8 MS. ROBERTSON: Here. Let me  
9 show it to you. I would get you another  
10 one but --

11 MS. SWAIN: I was about to say --

12 MS. CROOK: If you want me to, I  
13 will go make a copy.

14 MS. SWAIN: Well, if we want --

15 MS. ROBERTSON: See here. See,  
16 it looks like 11/02.

17 MS. SWAIN: I may not have  
18 grabbed it when I grabbed the rest of  
19 these. But --

20 MS. ROBERTSON: I mean, in the  
21 records I received it was in place at  
22 the time it would have been issued.

23 It's just got that funny two up there.

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1 MS. SWAIN: Let me take a  
2 brief --

3 MS. ROBERTSON: Sure.

4 MS. SWAIN: -- break and let me  
5 copy.

6 THE VIDEOGRAPHER: 5:12.

7 (Whereupon, a short break was taken.)

8 THE VIDEOGRAPHER: Okay. We're  
9 back on at 5:15:27.

10 BY MS. SWAIN:

11 Q Okay. So I now have a note --  
12 the note that --

13 A 11/30/07.

14 Q Okay. It's weird. It looks like  
15 a two.

16 A I know. It wasn't.

17 Q Okay.

18 A She came in, talked about the  
19 Zoloft that we had given her for anxiety  
20 depression causing her dizziness. Also, she  
21 asked Carolyn, my nurse, to get another  
22 appointment for a mammogram. And on exam  
23 she had some back pain. Her blood pressure

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1 was up. She was having a lot of stress,  
2 and, basically, what I documented was she  
3 had increased stress due to the lawsuit with  
4 previous company, anxiety/depression due to  
5 harassment, having bad dreams of the person  
6 who harassed her. She'd tried Klonopin  
7 before. Her mother was also diagnosed with  
8 breast cancer and I was really trying to  
9 encourage her to get a mammogram, which she  
10 had missed several previous appointments  
11 primarily because she didn't want to go by  
12 herself and couldn't get -- you know, didn't  
13 want to go outside. So at that point we  
14 worked on getting her a appointment with Dr.  
15 Cobbleshots, a female. I thought a female  
16 counselor would be better. We stopped her  
17 Zoloft and I tried Celexa, which is another  
18 in the class of what we call SSRI  
19 antidepressants. I added the some Atenolol,  
20 which is beta blocker for blood pressure, at  
21 that time. The mammogram scheduled. She  
22 got some Xanaflex and she got her pain  
23 medicine.

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1 Q Was this visit in November of  
2 2007 the first time --

3 A Seven.

4 Q I'm sorry?

5 A Seven.

6 Q Yes. Was this the -- the first  
7 visit where she reported to you that she was  
8 having bad dreams --

9 A Uh-huh.

10 Q -- about the harassment --  
11 alleged harassment?

12 A It had to have been.

13 Q Okay. Also, I think you had --  
14 you testified earlier that -- I think it was  
15 one of those September, yeah, 2007 visit  
16 when you first -- was it that visit? -- when  
17 you first suggested to her that she -- no,  
18 I'm sorry. It was the October 2000 (sic)  
19 visit when you first suggested with her that  
20 might want to make an appointment with Dr.  
21 Cobbleshots.

22 A Right.

23 Q Was that first time that you

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1 suggested to her that she --

2 A Get a counselor?

3 Q Yeah.

4 A Yes. A lot of times we attempt  
5 to try to treat anxiety and depression with  
6 our medicine, and then most of the time it  
7 works fine but if it doesn't and you see  
8 it's not working, then that's usually when I  
9 try to get them another appointment with  
10 somebody else.

11 Q And prior to the September 2007  
12 visit she had not reported any anxiety over  
13 this issue in quite a while; is that  
14 correct?

15 A You mean nightmares -- any  
16 nightmares. Now, we didn't -- there were  
17 several visits where she came in just for  
18 her medicine that we didn't discuss anything  
19 different.

20 Q Right.

21 A Okay.

22 Q Okay. And then your next --

23 A Next visit was 12/19/07.

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1 Complained of congestion in her chest, in  
2 her ears, fever, hurting. And she hurt her  
3 back pulling on her mother, helping her. So  
4 on her exam she had a lot worse lumbar pain,  
5 plus her sinus upper respiratory track  
6 infection and we gave her some -- I told  
7 her some -- I told her -- encouraged her to  
8 push fluids. I gave her some Musinex and  
9 Cipro, which is an antibiotic, something for  
10 cough, which is Atuss, a couple of shots.  
11 She also mentioned that the Zoloft she  
12 thought worked better than the Celexa so we  
13 stopped the Celexa and went back to Zoloft.

14 And thinking back, if I'm not mistaken,  
15 I'm thinking that maybe -- I don't know if  
16 she was insured at this point or not. I  
17 have to look at those records from the  
18 office, but that may be another reason we  
19 tried to stay with some of these medicines  
20 because they're generic and they're a lot  
21 less expensive.

22 Q Okay.

23 A Okay.

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1 Q And she's still taking the Lortab

2 or --

3 A Pain medicine and muscle relaxer  
4 for her back. Right.

5 Q And did she have -- mention on  
6 this visit any alleged anxiety or anything  
7 of that nature?

8 A No, not that I documented.

9 Q Okay. Well, do you recall it  
10 beyond your documentation?

11 A I don't. I don't.

12 Q Okay. Now, the next visit I've  
13 got dated 1 --

14 A 25/07.

15 Q Is that probably '08 you think,  
16 given the order?

17 A Yeah. Yeah, given the order,  
18 probably is.

19 MS. ROBERTSON: You've got a  
20 dyslexic nurse.

21 THE WITNESS: I know it. I've  
22 got several of them. Not just one but  
23 several of them.

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1           A     She's complaining of right ear  
2 pain, sinusitis, anxiety. She had a -- had  
3 right otitis media, which is pretty painful  
4 ear infection. The usual low back pain.  
5 She -- just looking here, gave her some  
6 antibiotics and something for the drainage.  
7 The Lodrane 12D, which is what this is,  
8 Atuss MS for cough, the shots of Rocephin  
9 Indecadron. I told her to continue her  
10 Zoloft. I also gave her some Alprazolam,  
11 her Xanax. A very small .25 dose. She was  
12 very anxious and worried about I guess it  
13 was one of those depositions about that  
14 time. I'm not sure. So I gave --

15           Q     It may have been scheduled and  
16 rescheduled a couple of times.

17           A     Yeah.

18           Q     So that may come up more than  
19 once.

20           A     So I gave her -- you know, I  
21 wanted to give her something that might help  
22 her with the anxiety, and usually that low a  
23 dose doesn't make you sound thick-tongued or

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1 drunk or anything like that. So I thought  
2 that would help her and also keep her blood  
3 pressure down, too, and give her pain  
4 medicine.

5 Q Okay. The next visit on  
6 February 22nd, '08?

7 A Right. Just her usual monthly  
8 checkup. Wanted -- she wanted us to check  
9 her ears, felt like there was fluid in them,  
10 made her a little bit dizzy. And she had  
11 some drainage. She also -- we got into a  
12 fairly lengthy discussion about her anxiety  
13 and depression and the lawsuit and  
14 harassment situation. She's had a lot of  
15 anxiety and insomnia. She talked about she  
16 was reliving some of the harassment causing  
17 her to feel worse. She really -- after  
18 going through some depositions, apparently  
19 she wanted to just -- said I just want to  
20 get my -- get over this and get my life  
21 back. She's worried about her safety  
22 because of the lawsuit. She wouldn't go out  
23 to eat or go in public places because she

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1       was afraid for her own safety, and we talked  
2       about that.

3           Q       Did she tell you what it was  
4       about the lawsuit that made her afraid for  
5       her safety?

6           A       She was afraid of this person who  
7       had harassed her was going to do physical  
8       harm to her.

9           Q       Did she tell you what made her  
10      think that?

11       A       No.

12       Q       Did she tell you what the alleged  
13      harassment was?

14       A       Not -- no.

15       Q       What it was that she -- that  
16      supposedly had happened to her --

17       A       No.

18       Q       -- at work?

19       A       No.

20       Q       And then -- and then medications  
21      on this visit, what did you prescribe her?

22       A       Well, we gave her the  
23      antihistamine decongestants. I gave her

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1 BuSpar. The third one down is -- is a new  
2 medicine. It's called BuSpar. BuSpar is an  
3 antianxiety agent used pretty frequently  
4 because it's not a Benzodiazine, which  
5 Benzodiazine medicines like Xanax and  
6 Klonopin and Valium. And BuSpar is a  
7 nonsedating antianxiety agent that works  
8 fairly well in -- in some people for anxiety  
9 without knocking them out. So I gave her  
10 some of that. And then I gave her a couple  
11 of shots for cold, told her to continue the  
12 Zoloft and the Atenolol, which she's taking  
13 at bedtime. The Atenolol is a blood --  
14 blood pressure medicine that we'd added a  
15 couple visits previously.

16 Q Is she still taking pain  
17 medication at this time?

18 A Yes.

19 Q What was her pain medication?

20 A Lorcet or Lortab. I don't -- you  
21 know --

22 Q One of those?

23 A Uh-huh.

**FREEDOM COURT REPORTING**

1 Q Okay. And then you saw her again  
2 on May -- I'm sorry, March 17th, 2008?  
3 A March 17th, right. Her blood  
4 pressure was really elevated. It was 147  
5 over 105. She was -- told me at that point  
6 she was under increased stress lately.  
7 She'd given depositions in her sexual  
8 harassment case over the weekend and she's  
9 very anxious. She was complaining because  
10 of, you know, having to ride all that way up  
11 there and sit. Her back pain was worse.  
12 She didn't get a mammogram done. She was  
13 reluctant to go out by herself due to fear  
14 of confrontation by Frank Williams. And  
15 this is the first time I've heard this  
16 person's name. I put down that we would  
17 like to get an MRI, but, mainly, she's  
18 refused to go out in public places by  
19 herself and her anxiety and depression  
20 continues. She's unable to see the female  
21 counselor because of insurance, noncoverage.  
22 She's taking BuSpar twice a day along with  
23 Zoloft because of depression. Her blood

**FREEDOM COURT REPORTING**

1 pressure has been very high due to her  
2 increased anxiety.

3 Diagnosis, poorly controlled  
4 hypertension, exacerbation by situational  
5 anxiety. Lumbago back pain,  
6 anxiety/depression. And at this point I  
7 added Vaxum, Benicar 20, 12 and a half, gave  
8 her some samples, gave her pain medicine. I  
9 wanted her to continue the Zoloft and the  
10 BuSpar. And Klonopin, which is like the  
11 Xanax but it's -- in this case it's a little  
12 longer acting medication. We also wanted  
13 her to follow-up and get another blood  
14 pressure check.

15 We discussed her anxiety and  
16 depression. And we tried to get her to  
17 see -- you know, a lot of this I felt like  
18 was the stress of the deposition was making  
19 her blood pressure and her -- worse and that  
20 made her anxiety worse and it just sort  
21 of -- sort of cause and effect, you know.

22 Q Did you -- well, during this  
23 visit, again, I'm going to ask you, did --

**FREEDOM COURT REPORTING**

1 did she describe to you in any way what the  
2 the alleged sexual harassment was?

3 A Not that I can recall, no. At  
4 some point I -- I remember her talking  
5 about, you know -- I know there was some  
6 name calling and -- but I -- I -- I just  
7 can't -- you know, can't remember.

8 Q Did you discuss with Ms. Thornton  
9 at all any alternatives for counseling and  
10 any kind of sliding scale kind of agency or  
11 anything of that nature that she might be  
12 able to afford?

13 A We didn't at this visit, but the  
14 next one we -- we tried to get her in with  
15 Catholic Services.

16 MS. SWAIN: Well, anyway, we  
17 should go down the notice and then I  
18 could ask some good questions. Might  
19 speed us up a little bit.

20 MS. ROBERTSON: It's like when I  
21 get to the middle of a brief and start  
22 thinking, Why didn't you put this in  
23 there? And then I say, Why don't I

**FREEDOM COURT REPORTING**

1           finish reading the brief.

2           Q        Okay. So the next note is April?

3           A        4/14. Yeah. Complained of back  
4            pain, right leg pain, anxiety and  
5            depression. She was here for followed up --  
6            follow-up. Her blood pressure was much  
7            better that day. It was 123 over 84. She  
8            was still very anxious about her court case  
9            which was ongoing. Worried about harassment  
10           by previous co-worker, reluctant to go  
11           anywhere, not sleeping.

12           She was unable to go to the previous  
13           counselor due to insurance issues, so I was  
14           going to refer her to a female counselor at  
15           Catholic Services. And I had my nurse call  
16           and try to get -- get her an appointment.  
17           And the -- we just gave her medicines, the  
18           pain medicine and the Klonopin and told her  
19           to continue what she had been taking.

20           Q        Okay.

21           A        And the next was a call. She  
22           stated that Catholic Services' counselor was  
23           out of work, so she really still wanted to

**FREEDOM COURT REPORTING**

1 see a female counselor. And I thought that  
2 would be good for her. Husband was at Fort  
3 Rucker had a card for Bradford Health  
4 Services that dependent can go to. So she  
5 was going to contact Bradford for counseling  
6 and was going to let me know if she needed  
7 referral or if she could just go directly to  
8 them. And that was what that was -- that  
9 phone call was.

10 Q Okay.

11 MS. ROBERTSON: I know we had a  
12 card about telephone calls.

13 MS. SWAIN: This was in the stuff  
14 that you produced today.

15 MS. ROBERTSON: About confirming  
16 the deposition?

17 THE WITNESS: Yeah, yeah. I  
18 don't know why that got stuck in there.

19 Q We can skip that page.

20 A Yea.

21 Q And then --

22 A 5/12.

23 Q -- it looks like the next -- the

**FREEDOM COURT REPORTING**

1 next one, though, is sort of out of order.

2 This is before the 5/16; correct? This is  
3 5/12?

4 A 15/12, yeah. It must have been  
5 out of order. You're right. It must have  
6 been. 5/12, anxiety, back pain, pain is  
7 going down to her leg, very anxious. She  
8 had a deposition that day and over the next  
9 week. She was complaining of increased  
10 lumbar pain, a lot of her pain was going  
11 down into her leg. I made a note here. She  
12 was having anxiety and she had been seen by  
13 Catholic Services, will continue to  
14 Klonopin. I see I gave her her usual  
15 medicines, some Klonopin and some Lorcet,  
16 and just -- we just kind of talked a little  
17 bit about her case and the -- you know, not  
18 in any real specifics. I think that she was  
19 very anxious and, you know, upset with all  
20 the depositions and everything else but --  
21 but to my knowledge nothing specific.

22 Q Okay.

23 A The next page is a -- have you

**FREEDOM COURT REPORTING**

1 got one that's got a bunch of list. Yeah.  
2 This is just a flow sheet for when they --  
3 they call in. The first was for a cough.  
4 Was -- she just -- the nurse confirmed for  
5 her to take the BuSpar twice a day. They --  
6 there's a note from 4/16 where they called  
7 Catholic Services and requested an  
8 appointment with female counselor ASAP and  
9 social service people were going to contact  
10 the patient directly. The last one was just  
11 a refill. So that's just a flow sheet. And  
12 the last date was 6/5/08. Just anxiety,  
13 back pain, anxiety about lawsuit. She  
14 wasn't sleeping.

15 She went to a counselor and saw a Carol  
16 Dean. The -- she said she -- she liked the  
17 lady and so that -- I'm just trying to  
18 think.

19 Anyway, she said she has now seen a  
20 counselor which I felt was -- was a good  
21 thing for her because I really think in  
22 talking with her that she and -- and Linda  
23 felt too that counselor was going to help

**FREEDOM COURT REPORTING**

1       her get back to where she could hopefully  
2       get out and get things done like we wanted  
3       to have done. With a mother that has breast  
4       cancer, she needs her mammogram. You know,  
5       the things that we need to get her out in  
6       public to do.

7           Q       When was -- looking through your  
8       notes it looked like to me that -- that --  
9       was the first time that Linda discussed with  
10      you any concern about, you know, going out  
11      in public, going places on her own, was that  
12      the September 17th, 2007, visit?

13          A       Let me look. That was probably  
14      the first time that she'd actually really  
15      come out -- came out and talked about that,  
16      which makes me think back to the other  
17      visits where we had scheduled tests and  
18      this -- all the sudden now I have a reason  
19      why she hasn't made some of these  
20      appointments and -- and done some of this  
21      stuff.

22          Q       Which -- which test are you  
23      talking about that she did not go?

**FREEDOM COURT REPORTING**

1           A       The mammogram that we -- we'd  
2        actually scheduled originally the second  
3        visit that she had been in the office, the  
4        second -- way back. When we talked about --  
5        let me look back. Hold on. Somewhere.  
6        Yeah. Here on 1/16 of '06. That was  
7        probably the first time we tried to schedule  
8        her mammogram for her and, you know, really  
9        wasn't aware at that time about any, you  
10      know -- I guess the more that she came and  
11      when she was coming in for her chronic back  
12      pain and things like that, the more that she  
13      came in I think she sort of opened up more  
14      and more. And -- and I think you can see as  
15      time went on she ended up telling me more  
16      about kind of what was going on, you know.

17           Q       Well, was it your understanding  
18      that she was unable to keep appointments  
19      because of fear of Frank Williams back in  
20      January of 2006?

21           A       Well, like I said, in retrospect  
22      that -- that may have had something to do  
23      with it. I don't know.

**FREEDOM COURT REPORTING**

1           Q     I mean, you're aware that she was  
2 working with him every day during that time  
3 frame?

4           A     I -- I mean, I don't know. That  
5 was what -- when she started to talk about  
6 having a fear of going out, I just thought  
7 to myself, well, maybe that's why she's  
8 missed so many of these appointments. You  
9 know, that was just me thinking.

10          Q     Okay. Any other appointments  
11 that you're speaking of?

12          A     Well, we -- we made probably  
13 three or four during things we've gone  
14 through from -- for like a mammogram, and we  
15 did make one for an MRI but because of her  
16 previous back problems she wasn't able to  
17 get it because of her insurance. It wasn't  
18 covered. And, you know --

19          Q     Was she able to keep her  
20 appointments with you each month?

21          A     As far as I know she was, yeah.

22          Q     Did she come to those  
23 appointments alone?

**FREEDOM COURT REPORTING**

1           A       I don't know. The last one she  
2 did not I know but I --

3           Q       Who attended with her on her last  
4 appointment?

5           A       Her husband.

6           Q       Do you know whether her husband  
7 attended of the other appointments she had  
8 with you?

9           A       I don't know. I do know that one  
10 of the reasons she gave me for not getting  
11 some of the these tests done was he worked a  
12 lot of -- you know, during the day and was  
13 unable to -- and if I remember correctly,  
14 the schedule she works at the convenience  
15 store was only on -- at times when he was  
16 pretty nearby. I don't -- I don't think she  
17 lived far from wherever she worked at the  
18 convenience store.

19           Q       And that's based on what she has  
20 reported to you?

21           A       Exactly, exactly.

22           Q       And in terms of -- okay. You  
23 indicated one of the reasons why she gave

**FREEDOM COURT REPORTING**

1 you for not getting some of the tests done  
2 was her husband's work schedule might not  
3 let them go. Is that something that's  
4 reported in your notes? And I believe it is  
5 but I don't know which --

6 A Somewhere. But yeah. It's  
7 somewhere later but it was more later on in  
8 the -- I don't know.

9 MS. ROBERTSON: Try 9/07.

10 A Let's see. Well, just that -- I  
11 just remember her mentioning that, the fact  
12 that -- in fact, I didn't write it in the  
13 notes, but at work she had her little bat --  
14 little stick in case somebody came in.

15 Q Did she tell you that she was  
16 carrying a screwdriver in her back pocket?

17 A No. She said she had a knife and  
18 a stick.

19 Q And you don't recall when she  
20 told you that? Is that a no?

21 A It's -- it's -- it's probably  
22 been six months.

23 Q And I think we've already

**FREEDOM COURT REPORTING**

1       established this, but just to make sure I  
2       understand this clearly, whatever you know  
3       about what went on in Linda's workplace you  
4       know from Linda; correct?

5           A        Absolutely.

6           Q        Have you ever discussed with  
7       anybody else that worked with Linda anything  
8       that went on in her workplace?

9           A        I don't know anybody that's  
10      worked -- that --

11          Q        So your source of that all is  
12      basically only Linda?

13          A        Yes, ma'am.

14          Q        Did you ever tell Ms. Thornton  
15      that she should not leave her house or that  
16      she should not go into Dothan or other areas  
17      of town?

18          A        No.

19          Q        Did you ever for any kind of  
20      mental health reason restrict her movement  
21      or her ability to be in certain geographical  
22      areas?

23          A        No.

**FREEDOM COURT REPORTING**

1 Q Have you ever become concerned at  
2 all about Ms. Thornton's use of pain  
3 medications consistently over, say, a two  
4 and a half year period?

5 A They're not inconsistent with  
6 somebody with chronic back pain. There are  
7 a whole group of patients, and one reason we  
8 try to see those patients every month is to  
9 make sure they're not taking those medicines  
10 improperly. But there are a whole group of  
11 patients that -- what we call chronic pain  
12 patients that take a regimen of medicine.  
13 It's usually the same amount every month.  
14 And even though for you or I it might be  
15 more than we could take and sit up straight,  
16 for somebody who is on chronic -- chronic  
17 pain regimen, that amount is not an  
18 excessive amount. There are people that go  
19 to the pain clinic, for instance, where we  
20 were giving her maybe 60 or 90 of those  
21 tablets a month would take up to 180 of  
22 those pills in a month. Also may have a  
23 pain patch or some other pain medicine that

**FREEDOM COURT REPORTING**

1 goes along with that. That's consistent  
2 with, you know, treating chronic pain.

3 Q So from that I take, make sure I  
4 understand this correctly --

5 A I'm sorry.

6 Q -- the short answer I guess would  
7 be no --

8 A No.

9 Q -- that you're not concerned  
10 about that?

11 A No. I'm not. I'm not. I'm not.

12 Q Okay. And would it be expected  
13 for someone with her issues with her back  
14 and other parts of her body that she's had  
15 some issues with, that she would be expected  
16 to -- to maybe stay on that kind of  
17 medication, you know, forever?

18 A In most cases people stay on that  
19 kind of medication for years. Now, with  
20 that said, if we can get an MRI done and if  
21 I can get her to -- if -- if the MRI does  
22 show some disk bulging or some treatable  
23 problems, we can work with that. We may can

**FREEDOM COURT REPORTING**

1 get epidurals done or other things done to  
2 actually reduce the amount of pain medicine  
3 that she's on.

4 Q Okay. Would Ms. Thornton's use  
5 of pain medication regularly affect her  
6 ability to safely operate machinery at work  
7 in a plant environment?

8 MS. ROBERTSON: Object.

9 A Believe it or not -- believe it  
10 or not, people that are on chronic pain  
11 medicine, like I said before, don't have the  
12 same effects that you or I would have  
13 taking. Once they've been on them a period  
14 of time it does not affect -- but, of  
15 course, everybody is a little bit different.  
16 But, actually, if you look at the federal  
17 regulations, for instance, for DOT, the only  
18 pain medicine those truck drivers can't take  
19 is Methadone. They can be on Oxycontin.  
20 They can be on all kinds of stuff and it's  
21 legal. Like I said, if it's done on a  
22 regular routine basis, it's often just like  
23 they don't even know they're on it.

**FREEDOM COURT REPORTING**

1 Q Okay. So the short again --

2 A I'm sorry.

3 Q -- in your opinion the answer is  
4 no? Well, no. And I appreciate the --

5 A Right.

6 Q -- explanation you gave. Just to  
7 make sure I fully understand --

8 A Right.

9 Q What you're saying, in your  
10 medical opinion the answer would be no?

11 A No.

12 Q I don't have anything further.

13 EXAMINATION

14 BY MS. ROBERTSON:

15 Q Doctor, Ms. Swain said all you  
16 had to rely on was what Ms. Thornton  
17 reported to you. Is taking a personal and  
18 medical history of patient one of the first  
19 things a doctor does in order to make a  
20 diagnosis?

21 MS. SWAIN: Objection.

22 A Yes, it is.

23 Q And did you -- during the course

**FREEDOM COURT REPORTING**

1 of your treatment, have you found anything  
2 in her symptomology or her cooperatives  
3 would indicate she is not reporting the  
4 truth as she understands it to you?

5 MS. SWAIN: Objection.

6 A She's been truthful as far as I  
7 can tell with me.

8 Q All right. Now, Ms. Swain asked  
9 you can weight affect blood pressure.  
10 Can -- does -- is a symptom of depression  
11 weight gain sometimes?

12 A Yes.

13 Q Is the symptom of anxiety a  
14 weight gain sometimes?

15 A Yes.

16 Q And so could -- would the weight  
17 gain based on the depression or anxiety and  
18 the -- have -- strike that. Strike that.  
19 What is situational elevated blood pressure  
20 or high blood pressure or hypertension?

21 A Situational, similar to  
22 situational anxiety, is just -- it's just  
23 blood pressure elevation relating to a

**FREEDOM COURT REPORTING**

1 specific event, maybe a family member passes  
2 away or some anxiety issue.

3 Q Like a deposition or like at  
4 work -- because of work stress?

5 A Yes. Teenagers.

6 Q Yeah, teenagers. That's all I  
7 have. Oh, wait -- wait just a minute. My  
8 client wants you -- when you received the  
9 subpoena, did the person who served it say  
10 anything to you?

11 A I'm trying to think. He told me  
12 that "she was a crazy woman."

13 Q Okay. Thank you.

14 MS. ROBERTSON: The boy who  
15 killed the woman's job, he needs to be  
16 taken off the street.

17 MS. SWAIN: All right. That's  
18 fine.

19 MS. ROBERTSON: Excuse me.

20 THE VIDEOGRAPHER: This concludes  
21 the deposition the time --

22 MS. SWAIN: You know what? Can I  
23 just do one thing? So we can be more

**FREEDOM COURT REPORTING**

1           clear for the record -- a little more  
2           clear I'm going to introduce as  
3           Defendant's Exhibit 1 Dr. Bendinger's  
4           deposition the treatment notes.

5           MS. ROBERTSON: Yeah, I think we  
6           covered today.

7           MS. SWAIN: Covered today. Yeah.  
8           But there's actually -- so does anybody  
9           have any objection to that?

10          MS. ROBERTSON: No.

11          MS. SWAIN: You can you go off  
12          right now.

13           (Defendant's Exhibit Number  
14           1 was marked and attached to the  
15           deposition.)

16          THE VIDEOGRAPHER: We'll go off  
17          the video record at 5:48:06.

18          DEPOSITION CONCLUDED

19

20

21

22

23

**FREEDOM COURT REPORTING**1                   CERTIFICATE  
2  
3       STATE OF ALABAMA:  
4       COUNTY OF BUTLER:  
5  
6       I hereby certify that the above and  
7       foregoing deposition was taken down by me in  
8       stenotype and the questions and answers  
9       thereto were transcribed by means of  
10      computer-aided transcription, and that the  
11      foregoing represents a true and correct  
12      transcript of the testimony given by said  
13      witness upon said hearing.  
14      I further certify that I am neither of  
15      counsel, nor of kin to the parties to the  
16      action, nor am I in anywise interested in  
17      the result of said cause.  
18  
19                   -----  
20                   RENNY MCNAUGHTON  
21                   Certified Court Reporter  
22                   License Number: ACCR #: 411  
23

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|  |  |   |  |
|--|--|---|--|
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|---|---|--|

PRESS NOTES

DATE  
OF BIRTH

5/16/64

PG#

Formedic

PAGE # CHART #

| TIME | HT | RES | BMI | BP | P | T | ALLERGIES |
|------|----|-----|-----|----|---|---|-----------|
| PTC  | WT |     |     |    |   |   |           |

Thornton, Linda

NKA

23/05 2246 T 97<sup>4</sup>  
 BP 122/72 DE. O

To sent Throat  
 Cough - follow physician

Derm:

10% off bromides

Ext. 10min 10am

Int'l. S

Card. 10am

30% fast and slow 100

Wt. Coarce 100

cal. q

Even. q

(P)

(A) (D) Janis  
B. Blaine

P

Keflex 500 mg  
Bimac A 250 mgRanitidine 150 mg  
Omeprazole 40 mg

Atorvast 5-10

Promethazine 25 mg 1/2 for nausea

(P)

FAMILY PRACTICE CENTER OF ABBEVILLE  
 217 DOOTHAN ROAD  
 ABBEVILLE, AL 36310

DEFENDANT'S  
EXHIBIT

Recommend Blaine MAG-OX 400

Cost, Convenience, Compliance

BLAINE



FAMILY PRACTICE CENTER OF ABBEVILLE, PA  
 217 DOOTH RD  
 ABBEVILLE, AL 36310  
 334-585-6421

|               |                |                |               |
|---------------|----------------|----------------|---------------|
| OFFICE VISITS |                |                |               |
| NAME          | Linda Thornton | MARITAL STATUS | DATE OF BIRTH |
| ADDRESS       |                | STMT W/D SEP   | 5-16-64       |
| DIAGNOSIS     | HT             | PHONE (H)      | (O)           |
| CPT CODE      | WT 234.0       | BP 130/90 P    | T 98.2        |
|               | All, NKDA      |                |               |

7/19/08 C/D last wk pt still @  
 work - FLAVOR House -  
 pt went to PrimeCare  
 X-Rays taken - Splint -  
 NOT any better now -  
 Swelling has gone down

Rx Neurium 40mg po

pt had stomach virus that  
 went thru whole family  
 July 7, 8, 9, pt returned to  
 work on July 11.

FAMILY PRACTICE CENTER

217 DOOTH RD

ABBEVILLE, AL 36310

H.R. request be excuse for  
 those days

Memorandum - TAH - her@any

From

(E) knee - Contusion (2) knee

4cm x 4cm x 1cm lateral (2) knee

Dan

(2) Contusion (2) knee 7-13-07

(2) Membrane (2) HPM -

Ped

(2) Prednisone 20 mg

3 days x 5d

(2) Lortab 10

# 30 -

(2) light duty

Divided doses  
 + helpful

of eating

Prescribed

TAH

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|  |                |                |        |                |         |
|--|----------------|----------------|--------|----------------|---------|
| OFFICE VISITS  |                |                |        |                |         |
| NAME   | Linda Thornton | MARITAL STATUS | SINGLE | DATE OF BIRTH  | 5/16/64 |
| ADDRESS  |                |                |        | PHONE (H)      | (O)     |
| DIAGNOSIS<br>CPT CODE  |                | HT             | WT 235 | BP 130/90 P 88 | T 98.5  |
| NKA  |                |                |        |                |         |
| 2-9-05 C/O Nose bleeds   |                |                |        |                |         |
| HA<br>↑ BP   |                |                |        |                |         |
| Chronic rhinorrhea & neck pain                                     |                |                |        |                |         |
| Rx:<br>Paxil<br>Fremoxin<br>Neopaine                               |                |                |        |                |         |
| (2nd) Rhinitis<br>Runny nose                                       |                |                |        |                |         |
| Cough ASI<br>Runny nose  |                |                |        |                |         |
| Pain I<br>Wheeze &   |                |                |        |                |         |
| (3rd) ① Sinus<br>② ↑ BP -  |                |                |        |                |         |
| ③ Chronic runny nose & back pain                                   |                |                |        |                |         |
| (4th) ① Nasalitis (NS)<br>② Bemann 20 (Syrup)<br>- (1/2) day OTS - |                |                |        |                |         |
| ③ Watery nose, Coughing<br>④ Loratadine 10<br>x 600<br>2-1 Brns -  |                |                |        |                |         |
| Rx:  |                |                |        |                |         |

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 ABBEVILLE, AL 36310  
 334-585-6421

## OFFICE VISITS

|         |                       |    |                                     |               |          |          |
|---------|-----------------------|----|-------------------------------------|---------------|----------|----------|
| NAME    | Thornton Linda        |    | MARITAL STATUS<br>[S] M [W] F [SEP] | DATE OF BIRTH | 5-16-64  | Formedic |
| ADDRESS |                       |    | PHONE (H)                           |               | (O)      |          |
| DATE    | DIAGNOSIS<br>CPT CODE | HT | WT                                  | BP            | 140/80 P | T 97.3   |

10/5/05 C/D Knof S1 R1 Wresc  
 Disgested -  
 Needs Meds Refilled P  
 M has a warts skin - say removal - diuid esp.  
 Dr James  
 Canister  
 can come by  
 can go  
 can im age t  
 palmar areas home

Pain  
 Brenaren  
 Neiflur 400 mg - 80  
 Lovab 10/60 1/2 TBH

- ① Skin dress
- ② VRs.
- ③ say Brenaren
- ④ Chlors Gauze st
- ⑤ Ulmer - work sites
- ⑥ Lovab 10/60 & loo
- ⑦ Neiflur 400 mg
- ⑧ Iodine 120 mg bag
- ⑨ Afranox
- ⑩ Coal Paint -

FAMILY PRACTICE CENTER OF ABBEVILLE, PA

217 DOTHAN RD

ABBEVILLE, AL 36310

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ABBEVILLE, AL 36310  
334-585-6421

|                       |   |               |                       |
|-----------------------|---|---------------|-----------------------|
| OFFICE VISITS         | MARITAL STATUS  | DATE OF BIRTH | Formedic              |
| ME Thornton, Linda    | S M W T F S S P   | 5-16-64       | (D)                   |
| DRESS                 | HT  | WT 241.4      | BP 124/80 P 92 T 97.3 |
| TE DIAGNOSIS CPT CODE | NKA   |               |                       |
| 11-10-05              | Rx Nexium   |               |                       |
| 4:05                  | Lortab  |               |                       |
|                       | Paxil   |               |                       |
|                       | Rx Zoloft, Head gmc   |               |                       |
|                       | (Rx) Simvastatin  |               |                       |
|                       | Tendered  |               |                       |
|                       | Oliver Shmedemann   |               |                       |
|                       | Lortab 10   |               |                       |
|                       | *Zolo   |               |                       |
|                       | Premarin 20 3dx57   |               |                       |
|                       | Hill Cures  |               |                       |
|                       | <i>[Handwritten Signature]</i>  |               |                       |
|                       | FAMILY PRACTICE CENTER OF ABBEVILLE<br>217 DOTHAN RD<br>ABBEVILLE, AL 36310<br>334-585-6421 |               |                       |

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ABBEVILLE, AL 36310  
334-585-6421

## OFFICE VISITS

NAME Thornton, Linda

MARITAL STATUS DATE OF  
S M W T F S P BIRTH 5-16-64

Formedic

**ADDRESS**

.PHONE (H)

-10-

DATE      DIAGNOSIS      CPT CODE

۱۷

W

四

P

T

11/25/05 Pt. phoned request Rx Cough Call to K-Hart North  
May-0423. Contact 432-1083 1st

ATHENS  
1500

$\mp$  top qd mn/ke).

~~EDGAR PRACTICE CENTER, UVA~~

~~17-REGULAR ROAD~~

AGGIEVILLE. AL 35011

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ABBEVILLE, AL 36310  
334-585-6421

|  |                |                                 |                          |         |
|--|----------------|---------------------------------|--------------------------|---------|
| OFFICE VISITS  |                | MARITAL STATUS<br>S M W D S E P | DATE OF BIRTH<br>5-16-64 | Formedi |
| NAME<br>ADDRESS  | Linda Thornton |                                 |                          | (O)     |
| DATE<br>DIAGNOSIS<br>CPT CODE  | HT             | WT 2498                         | BP 120/90 P              | T 96.2  |
| 1-16-00 CTO pt needs meds<br>depressed   |                | All NKDA                        |                          |         |
| Chronic shoulder pain  |                | Meds:                           |                          |         |
| Ext Q  |                | ✓ Neurontin 400mg               |                          |         |
| Camp Mar   |                | ✓ Fortab 10/650                 |                          |         |
| Ext Q  |                | ✓ Poucil 400mg - 90             |                          |         |
| Cup Q  |                | ✓ Premerca 60mg                 |                          |         |
| Elbow "shoved" pops"   |                |                                 |                          |         |
| <ul style="list-style-type: none"> <li>(P) ① Chronic shoulder pain</li> <li>② Gerd</li> <li>③ Chronic back pain</li> <li>(P) ④ Latal ed 650 mg Hcl</li> <li>⑤ Dexamet</li> </ul> |                |                                 |                          |         |
| <p>RFC for release</p> <p>no pass</p> <p>front exam</p> <p>✓ Speculum</p> <p>✓ Mammary</p> <p>✓ SM &amp; T</p>   |                |                                 |                          |         |
| <p>FAMILY PRACTICE CENTER OF ABBEVILLE</p> <p>217 DOOTHAN ROAD</p> <p>ABBEVILLE, AL 36010</p>  |                |                                 |                          |         |

## FAMILY PRACTICE CENTER OF ABBEVILLE, PA

217 DOTHAN RD  
ABBEVILLE, AL 36310  
334-585-6421

## OFFICE VISITS

|  |                  |        |    |  |               |         |          |
|--|------------------|--------|----|--|---------------|---------|----------|
| NAME   | Marion L. Jordan |        |    | MARITAL STATUS<br><input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> W <input type="checkbox"/> D <input type="checkbox"/> SEP | DATE OF BIRTH | 5-16-64 | Formedic |
| ADDRESS  |                  |        |    | PHONE (H) (O)  |               |         |          |
| DATE<br>DIAGNOSIS<br>CPT CODE  | HT               | WT 248 | BP | P  | T             |         |          |
| 2/14/05  |                  |        |    |  |               |         |          |
| <ul style="list-style-type: none"> <li>- Stage ② eye</li> <li>- Order for mammogram</li> <li>lunbar puncture -</li> <li>Chronic ② shoulder pain</li> </ul>                       |                  |        |    |  |               |         |          |
| <p><u>2nd</u></p> <p>Cerv 4</p> <p>Lm 4</p> <p>ad 4</p> <p>② Chronic pain</p> <p>lumbar - L5/S1 facets</p>   |                  |        |    |  |               |         |          |
| <p>Chronic pain</p> <p>Hypothyroid</p> <p>Tendonitis ② elbow</p> <p>Schedule for mammogram Sat 4c<br/>Lorstar to 1650 &amp; 200</p> <p>March 6 2008</p> <p>2/15/05 ② Feb 7-7</p> |                  |        |    |  |               |         |          |

FAMILY PRACTICE CENTER OF ABBEVILLE, PA  
217 DO THAN RD  
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|   |   |   |                                    |
|---|---|---|------------------------------------|
| OFFICE VISITS   |   |   |                                    |
| NAME <u>Linda Thornton</u>  |   | MARITAL STATUS<br><input type="checkbox"/> S / <input type="checkbox"/> M / <input type="checkbox"/> W / <input type="checkbox"/> D / <input type="checkbox"/> I / <input type="checkbox"/> SEP | DATE OF BIRTH <u>5-16-64</u>       |
| ADDRESS   |   | PHONE (H) <u>(0)</u>  |                                    |
| DATE<br><u>3/16-08</u>  | DIAGNOSIS<br><u>2:00</u><br>- Back pain on my | HT<br><u>255.2</u>  | WT<br><u>BP 128/88</u> P 92 T 97.2 |
| <u>Plum ① Shoulder Pain</u><br><u>Foot Pain Great</u>                               |   | <u>Ri</u><br><u>Nexium 40 mg</u><br><u>Lasix 10/60</u><br><u>Paxil 40 mg 2d</u><br><u>Premarin 0.625</u>  |                                    |
| <u>Back pain all day</u><br><u>Left shoulder pain</u><br><u>Palpable tenderness</u> |   | <u>FAMILY PRACTICE CENTER OF ABBEVILLE, AL</u><br><u>217 DO THAN RD</u><br><u>ABBEVILLE, AL 36310</u>   |                                    |

① Chem Shoulder Pain      Lorot 10/60 - 8/60  
 ② Shoulder Pain      Percocet 10  
 ③ Chem Pain      Heel/Foot-Breast  
 Premarin 20  
 3205  
 2805  
 (2105)

4/12/08 Pt phoned BP 138/99 wanted to know  
 if she could take 1/2 Benecar 20mg  
 Dr advised her to take it  
 Pt states Dr Pendleton gave her  
 samples last time she was here

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| OFFICE VISITS   |                       |   |   |
|---|-----------------------|---|---|
| NAME  | <i>Horneton Linda</i> |   | MARITAL STATUS<br>M M W W D U S E P DATE OF BIRTH<br><i>5-16-64</i> |
| ADDRESS   |                       |   | PHONE (H) (O)   |
| DATE<br>DIAGNOSIS<br>CPT CODE   | HT                    | WT <i>259.3</i>   | BP <i>120/80</i> P T <i>97</i>                                      |
| <i>4-13-08 CID ↑ B/P yesterday<br/>138/97 NKDA</i><br><i>Read note 4-12-08</i>  |                       |   |   |
| <i>Ear g<br/>Cervical<br/>leg cr<br/>dry g<br/>Old chronic shoulder m<br/>Pneum</i>   |                       | <i>FAMILY PRACTICE<br/>217 DOTHAN ROAD<br/>ABBREVILLE, AL 36310</i> |   |
| <i>Pregm 40w<br/>Gest ab 10/16/08<br/>Doxie 40w B/P<br/>Premarin 06/25/01</i>   |                       |   |   |
| <i>(1) HAM - (2) Chronic Shoulder m - (3) Back m<br/>(1) Bacan 1/2 (20mg) @ t/s - Recen 10<br/>(2) HCT 2.25<br/>Yoga Sess<br/>+<br/>(3) Bacan added - pts BP ↑ probably<br/>2° to work stress</i> |                       |   |   |
| <i>Bacan<br/>Lantibiotics<br/>SLEO<br/>PROM</i>   |                       |   |   |
| <i>JM</i>   |                       |   |   |



FAMILY PRACTICE CENTER OF ABBEVILLE, PA  
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## OFFICE VISITS

|         |                       |    |    |                                 |               |         |          |
|---------|-----------------------|----|----|---------------------------------|---------------|---------|----------|
| NAME    | Thornton Linda        |    |    | MARITAL STATUS<br>S M W D S E P | DATE OF BIRTH | 5/16/64 | Formedic |
| ADDRESS |                       |    |    | PHONE (H)                       |               | (D)     |          |
| DATE    | DIAGNOSIS<br>CPT CODE | HT | WT | 253.4                           | BP 110/80 P   | T 94.9  |          |

5/29/06

C10 RF on Loratab 10/1650

Alt: NKDA

(1) fast Tendrils / Bladder  
fearful

meds

HAD -

Benzod 20/2 QHS

Chmn fm  
smug

TC72 25 1/2 Pm

(1) Chmn fm  
Pm

Lortab 10/1650

(2) HAD  
(3) Tendrils  
Lans 0/600 #60.Protonix - QD  
Paxil 10mg - QD

Ph

(4) Paxil 40 - #3 -

one day

(5) tendrils to take NS, AS, (

Home  
Feldene  
Motrin) all

(6) Paxil 1 month

GI

Cramps

Pt having problems at work - Being  
 harassed - mother is very alone - she is  
 thinking about getting job.. To do to  
 continue Paxil

CENTER OF ABBEVILLE

## FAMILY PRACTICE CENTER OF ABBEVILLE, PA

217 DO THAN RD  
ABBEVILLE, AL 36310  
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## FAMILY PRACTICE CENTER OF ABBEVILLE, PA

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## OFFICE VISITS

|         |                |          |    |  |               |             |          |
|---------|----------------|----------|----|--|---------------|-------------|----------|
| NAME    | Thornton Linda |          |    | MARITAL STATUS<br><input checked="" type="checkbox"/> M <input type="checkbox"/> W <input type="checkbox"/> S <input type="checkbox"/> P | DATE OF BIRTH | 5-16-64     | FORMEDIC |
| ADDRESS |                |          |    | PHONE (H)  |               |             | (D)      |
| DATE    | DIAGNOSIS      | CPT CODE | HT | WT   | 253.3         | BP 130/78 P | T        |

7-18-08 CTO Pt On meds  
Lortab, protonix -  
Dermine contact, ASN, Back pain  
Pt here for eyes  
Ent   
(cans)  
Lungs  
Chest  
Eyes

Benzac 20 /2 gms  
AC 72 23 1/2 gm  
Ortab 10/1057  
Protonix 70  
Paxil 10mg + QD

Only when skin clear  Tendinitis  
feet  
unable to get this clear due to  Diabetes -  
Pre-emptly clear

Office lab 10

\$100  
Paxil 20

2m

Protonix 40

1 \$6

AZtra 100 mg  
1 tab

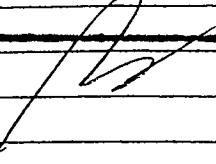
## FAMILY PRACTICE CENTER OF ABBEVILLE, PA

217 DOTHAN RD  
ABBEVILLE, AL 36310  
334-585-6421

|   |                |                                 |               |             |          |
|---|----------------|---------------------------------|---------------|-------------|----------|
| OFFICE VISITS   |                | MARITAL STATUS<br>S M W D S E P | DATE OF BIRTH | 5-16-64     | Formedic |
| NAME  | Linda Thornton |                                 | PHONE (H)     | (O)         |          |
| ADDRESS   |                |                                 |               |             |          |
| DATE<br>DIAGNOSIS<br>CPT CODE   |                | HT                              | WT 259        | BP 130/90 P | T        |
| 9/16/06   | C/ Hives<br>/c |                                 |               |             | 150/100  |
| <p>- Walked up this AM; urticaria, hives<br/>Generalized allergic Rx:</p> <p>FAMILY PRACTICE CENTER OF ABBEVILLE<br/>217 DOTHAN RD<br/>ABBEVILLE, AL 36310</p> <p>Erst - Simics<br/>Carb RSR.<br/>Lm CDAASE BS -<br/>car 0<br/>Over - 9.</p> <p>⑥ Urticaria ⑦ Algo Rx<br/>⑧ Simics ⑨ Clomipracine 10 mg daily<br/>Dosemt Empiric 1:10,000<br/>Benadryl 50mg Q.D. -<br/>- Epi Pen<br/>- Clomt 10 # 30<br/>12y<br/>- Precedex 20 mg<br/>3dx5d<br/>- Lortab 10/650<br/>+ 600<br/>1 Bass -<br/>(1) (20)</p> |                |                                 |               |             |          |
| <p>9.18.06 Pt Called request med. for cough<br/>K-mart - 194-0623<br/>Sears<br/>entax #850-774-1204<br/>Afternoon<br/>1:20 a Superstar<br/>V/O Dr Bindings</p>  |                |                                 |               |             |          |

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| OFFICE VISITS  |                       | MARITAL STATUS<br>S M W D I S E F   | DATE OF BIRTH<br>5/16/64 - | Formedic |
|--|-----------------------|---|----------------------------|----------|
| NAME<br><i>Hernan Linda</i>  | ADDRESS               |   | PHONE (H)                  | (O)      |
| DATE<br>1.8.07.  | DIAGNOSIS<br>CPT CODE | HT.<br>WT 254   | BP 30/50 P                 | T        |
|  |                       | <i>Med<br/>Hypertension deu alum<br/>Park Darr + Totter<br/>End 9<br/>Chy 9<br/>Lun 9<br/>and 9<br/>Pain 9<br/>Lun 15 alum<br/>+ ROM 20 top<br/>Pen into ↓ vitium 18/12<br/>① 6cm<br/>② Luhun alum alum<br/>③ Park Darr<br/>④ Myotis<br/>⑤ Following 1de, ⑥ May 20 8/30<br/>⑦ Nolmen 7/21 8/4<br/>⑧ Lutefoss 10/6/80<br/>8/60 - 8/25<br/>n-1gulmann</i> |                            |          |
|  |                       |   |                            |          |



## FAMILY PRACTICE CENTER OF ABBEVILLE, PA

217 DOTHAN RD  
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## OFFICE VISITS

NAME Lornton, Linda MARITAL STATUS S DATE OF  
SIMTWDFSEP BIRTH 5-16-64

ADDRESS \_\_\_\_\_ PHONE (H) \_\_\_\_\_ (O) \_\_\_\_\_

Formedic

| DATE         | DIAGNOSIS<br>CPT CODE                                 | HT | WT | BP | P | T |
|--------------|---|----|----|----|---|---|
| 3-9-07       | YPT phoneic Request Afui-Hae DC'd-Wants to start back |    |    |    |   |   |
|              | SCB   |    |    |    |   |   |
| K-Mart       |   |    |    |    |   |   |
| North Side   |   |    |    |    |   |   |
| Phone in     |   |    |    |    |   |   |
| SCS          |   |    |    |    |   |   |
| V. Di Ponter |   |    |    |    |   |   |
|              |   |    |    |    |   |   |
|              |   |    |    |    |   |   |
|              |   |    |    |    |   |   |

CABIN COUNTRY DISASTER CENTER

FAMILY PRACTICE CENTER OF ABBEVILLE, PA  
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 334-585-6421

## OFFICE VISITS

|   |                 |                               |                          |   |
|---|-----------------|-------------------------------|--------------------------|---|
| NAME  | Thornton Linda  | MARITAL STATUS<br>S M W D SEP | DATE OF BIRTH<br>5-16-64 | Formedic  |
| ADDRESS   |                 | PHONE (H)                     | (O)                      |   |
| DATE<br>DIAGNOSIS<br>CPT CODE   | HT<br>WT<br>249 | BP 124/80 P                   | T                        | SKIDA   |
| 3-23-07 C/<br>back pain<br>med refills  |                 | Rx                            |                          | Loracet 10/600<br>Robax<br>Zanaflex<br>pa nexium  |
| 98<br>Comp<br>Con<br>Cuf<br>ben<br>Babu extremitiess<br>Pain (2) teeth<br>Pain (2) lower neck<br>(2) right arm - shoulder<br>Jaw pain<br>Joint pain<br>Joint pain<br>(Pain)<br>(Pain) |                 |                               |                          | FAMILY PRACTICE CENTER<br>217 DOOTHAN RD<br>ABBEVILLE, AL 36310<br><br>(1) Low back pain - (probable)<br>(2) Back pain (4) fatigue<br>(3) CFS<br>(1) Headaches<br>(2) Lumbosacral & low back pain<br>(3) Temporal & eye pain<br><br>(TURBT) |
|   |                 |                               |                          | <i>AB</i>   |



## FAMILY PRACTICE CENTER OF ABBEVILLE, PA

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|  |   |   |                          |          |
|--|---|---|--------------------------|----------|
| OFFICE VISITS  |   | MARITAL STATUS<br>M/F/MWID: SEP                     | DATE OF BIRTH<br>5-16-64 | Formedic |
| NAME<br>Thornton Linda   | ADDRESS   | PHONE (H) (D)                                       |                          |          |
| DATE<br>DIAGNOSIS<br>CPT CODE                                      | HT<br>WT 250  | BP 130/80 F   | T                        |          |
| 6-4-07 C/<br>c.  | No v up   | NKDA  |                          |          |
| Chronic back pain<br>GERD  |   | Rx<br>Loracet 10/650<br>Nexium 40mg<br>Zanaflex 4mg |                          |          |
| Env q<br>Carpe<br>Us o<br>Env p<br>Bee q<br>Lumbar - LS Tenderness | FAMILY PRACTICE CENTER OF ABBEVILLE<br>117 DOVIAN ROAD<br>ABBEVILLE, AL 36010 |   |                          |          |
| (Dr)<br>② Lumbar<br>② GERD   |   | December 4th fm                                     |                          |          |
| ② Lumbar<br>Hes<br>Urge to urin                                    |   |   |                          |          |
| <i>PJ</i>  |   |   |                          |          |

## FAMILY PRACTICE CENTER OF ABBEVILLE, PA

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## OFFICE VISITS

|         |                |    |       |                |               |         |          |
|---------|----------------|----|-------|----------------|---------------|---------|----------|
| NAME    | Linda Thornton |    |       | MARITAL STATUS | DATE OF BIRTH | 5-16-64 | Formedic |
| ADDRESS |                |    |       | PHONE (H)      | (D)           |         |          |
| ATE     | DIAGNOSIS      | HT | WT    | BP             | 120/80 P      | T       |          |
|         | CPT CODE       |    | 238.1 |                |               |         |          |

3/10/07 CTO no v up  
CTC  
Bump on R+ wrist I want removed

|                  |               |
|------------------|---------------|
| Ear Sore/lvng    | MEDS:         |
| Cacl -           | Lorcet 10/650 |
| Lvs o            | Nexium 40mg   |
| Cyst             | Zanaflex 4mg  |
| Blw cyst @ wrist |               |

|             |                        |
|-------------|------------------------|
| CTA /suey   | Office visitnt excessi |
| Lanthan Pan | Senn (R) 1000          |
| 06/00       | Corntrollo 100 #600    |
| 07/01       | Leigh 500 TDS          |
|             | AT 1800 180a           |
|             | Powder 100 YR          |
|             | Dermolite -            |
|             | Dandit 100             |
|             | Claymore 100           |
|             | 8/30/                  |
|             | Yi Iglesias            |

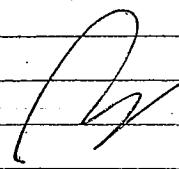
FAMILY PRACTICE CENTER OF ABBEVILLE

217 DO THAN RD AL 36310

## FAMILY PRACTICE CENTER OF ABBEVILLE, PA

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## OFFICE VISITS

|   |   |        |                                     |                  |         |  |
|---|---|--------|-------------------------------------|------------------|---------|--|
| NAME  | Thornton Linda                                      |        | MARITAL STATUS<br>M/F/M/W/D/T/S/E/F | DATE OF<br>BIRTH | 5-16-64 | Formedic                                   |
| ADDRESS   |   |        | PHONE (H)                           |                  | (D)     |  |
| DATE<br>DIAGNOSIS<br>CPT CODE   | HT  | WT 231 | BP                                  | 120/<br>76 P     | T       | NKA  |
| 9-17-07 C/C mo. ✓ up C R/P<br>Cough   |   |        |                                     |                  |         | Rx<br>Lorcet 10/650<br>Nexium 40mg<br>T qd |
| Obscured prior job & financial issues, pt afraid of old boss.   |   |        |                                     |                  |         | Zanaflex 4mg<br>T BID                      |
| Emo. issues<br>Con/DR<br>dry CTA<br>cold &<br>Otis Q  | (1) Sinus<br>(2) Cough<br>(3) Cough flm<br>(4) URTI |        |                                     |                  |         | Durahist<br>Klonopin 0.5mg                 |
| (1) Anxiety<br>(2) Lantrol 100 + los. 1 AM<br>(3) Mucin by AM - H-1 as needed #30<br>(4) Atorvast 10mg Sustained release<br>(5) Dimelert PE 20-100  |   |        |                                     |                  |         |  |
| long duration about anxiety re: prior job<br>situation - pt very anxious about<br>lawsuit & prior employee for<br>sexual harassment. Will continue Klonopin. - Pt to see rheumatologist<br>for evaluation |   |        |                                     |                  |         | P.D.<br>Rheumatologist<br>for evaluation   |
| Round w/ lens<br>Fardon #30 -<br>1mg.   |   |        |                                     |                  |         |  |
| <br><b>FAMILY PRACTICE CENTER OF ABBEVILLE</b><br>217 DOTHAN ROAD<br>ABBEVILLE, AL 36310                               |   |        |                                     |                  |         |  |

FAMILY PRACTICE CENTER OF ABBEVILLE, PA  
 217 DOTHAN RD  
 ABBEVILLE, AL 36310  
 334.585-6421

## OFFICE VISITS

|          |   |    |        |                                 |   |         |          |
|----------|---|----|--------|---------------------------------|---|---------|----------|
| NAME     | Thornton Linda  |    |        | MARITAL STATUS<br>ESTM/TWID SEP | DATE OF<br>BIRTH  | 5-16-64 | Formedic |
| ADDRESS  |   |    |        | PHONE (H)                       |   | (D)     |          |
| DATE     | DIAGNOSIS<br>CPT CODE   | HT | WT 241 | BF                              | P   | T       |          |
| 10-16-07 | ER SEAMC -10-13-07-<br>Chest pain -<br>Dx: Oxyt - Severe<br>Her dermaton pect mo<br>molar head spis |    |        |                                 |   |         | NKDD     |
|          |   |    |        | R.                              | Loracet 10/10/50<br>Nexum 40mg<br>Zomig 10mg<br>Bendipin: |         |          |
|          |   |    |        |                                 |   |         |          |
| Care Nm  | FAMILY PRACTICE CENTER OF ABBEVILLE<br>217 DOTHAN RD<br>ABBEVILLE, AL 36310                         |    |        |                                 |   |         |          |
| Ins CRT  |   |    |        |                                 |   |         |          |
| Ins P    |   |    |        |                                 |   |         |          |
| Ins Q    |   |    |        |                                 |   |         |          |

① Anoxia  
 Cetec 20  
 Imitron Meclutin - Neem 40  
 Zoloft 100mg \$30 \$30  
 44-1985 1985  
 Sust. Lomotil 100  
 060  
 Dr Kugelshutz 1 Brn

*PJ*

## Family Practice Center of Abbeville, PA - Richard L. Bendinger, D.O.

Le 93.0574

Date of Birth 5/16/64

Date: 11/30/02

Name: Hawton Linda

CC:

Pain R. Zoloft. Causes - DizzinessCrypt Mammo. - SEAPME -

|         |          |      |       |                 |       |            |                                       |                         |                   |                        |                        |                    |
|---------|----------|------|-------|-----------------|-------|------------|---------------------------------------|-------------------------|-------------------|------------------------|------------------------|--------------------|
| Vitals: | Wgt: 242 | Hgt: | Temp: | BP: 136/100     | RR:   | HR: 82     | Pain                                  | Sharp                   | Dull              | Pressure               | Burning                | Crampy             |
| FHx:    | N/A      | MI   | CA    | PMHx: Back pain | PSRx: | Allergies: | Medications Reviewed<br>See Drug List |                         |                   |                        |                        |                    |
| MCH:    | HTN      | DM   | COPD  | Dermatitis      |       | NKA        |                                       |                         |                   |                        |                        |                    |
| Drugs:  | Asthma   | CVA  | CHF   | Anxiety         |       |            | 0<br>Not Hurt                         | 1<br>Hurt<br>Little Bit | 2<br>Hurt<br>More | 3<br>Hurt<br>Even More | 4<br>Hurt<br>Whole Lot | 5<br>Hurt<br>Worst |

|               |                    |              |                        |                       |             |            |           |     |      |       |  |
|---------------|--------------------|--------------|------------------------|-----------------------|-------------|------------|-----------|-----|------|-------|--|
| Social HX     | Tobacco            | ETOH         | Drugs                  | O2 Sat %              | Aerosol TX  | FSBS mg/dL | Duration: | Day | Week | Month |  |
| ROS: General: | Fever              | Chills       | Myalgia                |                       |             |            |           |     |      |       |  |
| ENT:          | Mouth              | Throat       | Drainage               | Congestion            | Eyes        | Ears       |           |     |      |       |  |
| Resp:         | Cough              | Congestion   | Short of Breath        | Wheezing L R          | Asthma COPD |            |           |     |      |       |  |
| CV:           | MI                 | Chest Pain   | Arrhythmia             |                       |             |            |           |     |      |       |  |
| GI:           | Pain               | Indigestion  | Nausea/Vomiting        | PUD                   | IBS         | Colitis    |           |     |      |       |  |
|               | Diarrhea           | Constipation |                        |                       |             |            |           |     |      |       |  |
| GU:           | Dysuria            | Frequency    | Abdominal Pain         | Urgency               | Nocturia    |            |           |     |      |       |  |
| Neuro:        | Headache           | Pain         | Numbness/Loss of Power | Neuropathy            | Confusion   |            |           |     |      |       |  |
| Ortho:        | Pain U/L Extremity | Joint Pain   | Abnormal ROM           | Back pain - clavicles |             |            |           |     |      |       |  |

↑ All - ↑ Stress - due to lawsuit c. pri - companyAnxiety - Dementia - due to Harassment. Many bad dreams of person that Harassed her.  
Her friend known before - MAMMO 12-10 SEAPME 12-10 Dec 10. 9<sup>00</sup> \$25,000/pc  
Mother dx'd Breast Cancer → will order mammogram  
110.1hr

|                 |  |  |                    |                                 |                     |                        |  |  |  |  |
|-----------------|--|--|--------------------|---------------------------------|---------------------|------------------------|--|--|--|--|
| General:        | Pleasant   | Ill  | Painful            | Anxious                         |                     |                        |  |  |  |  |
| HEENT:          | PE   | EGM  | Conjunctivitis     | Icterus                         | Drainage            |                        |  |  |  |  |
|                 | Sinus Congestion                                   | Rhininitis/Sinusitis                         | Oral               | Pharyngitis                     | TM's L R            | Tonsillar Hyper trophy |  |  |  |  |
| Neck:           | Lymphadenopathy                                    | VA 20/ L 20/ R                               | Abnormal ROM       | Fundi L R                       |                     |                        |  |  |  |  |
| Resp:           | CTA  | Cough  | Congestion         | Wheez L R                       | Crackles            | Respiratory Distress   |  |  |  |  |
| CV:             | ASO  | Irregular                                    | Murmur             |                                 |                     |                        |  |  |  |  |
| GI:             | BS   | Soft/Firm                                    | Guarding           | Pain                            |                     |                        |  |  |  |  |
|                 | Rebound  | CVA L R                                      | Mass               |                                 |                     |                        |  |  |  |  |
| GU:             | Lesions  | Discharge                                    | Prostate Firm/Soft | Nodules                         | Scrotal Abnormality |                        |  |  |  |  |
| Breast:         | Symmetrical  | Nipple Discharge                             | Erythema           | Masses                          | AB                  |                        |  |  |  |  |
| GYN:            | Vaginal Ext  | Vaginal D/C                                  | Cervix             | Adenita                         |                     |                        |  |  |  |  |
| Ext:            | Hand L R<br>Wrist L R<br>Elbow L R<br>Shoulder L R | Hip L R<br>Knee L R<br>Ankle L R<br>Foot L R | Swelling           | Edema                           | Edema               | Abnormal ROM           |  |  |  |  |
| Skin:           | Rash   | Turgor                                       | Keratin            | ↑ Rom + painful now Lumbosacral |                     |                        |  |  |  |  |
| Back:           | Cervical ROM                                       | Thoracic ROM                                 | Lumbar ROM         | SLR                             | Paresthesias        | DTR                    |  |  |  |  |
| Imp:            |  |  |                    | Plan:                           |                     |                        |  |  |  |  |
| (1) Anxiety     |  |  |                    | (1) Appt Dr Kogelstut           |                     |                        |  |  |  |  |
| (2) Head        |  |  |                    | (2) Manage anxiety              |                     |                        |  |  |  |  |
| (3) Dementia    |  |  |                    | (3) D/C Zoloft                  |                     |                        |  |  |  |  |
| (4) Lumbar pain |  |  |                    | (4) Celliga 20 mg/tt            |                     |                        |  |  |  |  |
|                 |  |  |                    | Signature:                      |                     |                        |  |  |  |  |

## **Family Practice Center of Abbeville, PA - Richard L. Bendinger, D.O.**

Date: 12-19-07 Name: Linda Thornton

Date of Birth 5-16-69

CC: Chest congestion in Chest, ears hurt + fever  
Adult bark larynx - pulling on mother.

concern pair Pan i room (1) & (2) → ① butterfly

## FAMILY BAPTISMIC PRAYER

47 DEC 1992

**ABBEVILLE, S.C.**

## Family Practice Center of Abbeville, PA - Richard L. Bendinger, D.O.

Date: 1-25-07 Name: Thornton Linda Date of Birth 5-16-64  
 : RT ear pain (A) OM Sore Anxiet

|       |            |            |                 |                             |            |                    |                     |                   |                   |               |          |         |        |
|-------|------------|------------|-----------------|-----------------------------|------------|--------------------|---------------------|-------------------|-------------------|---------------|----------|---------|--------|
| FMHx: | Vitals:    | Wgt: 239   | Hgt:            | Temp: 108/94                | BP:        | RR:                | HR: 76              | Pain:             | Sharp             | Dull          | Pressure | Burning | Crampy |
|       | PMHx _____ | PSEx _____ | Allergies: NKDA | Meds Taken<br>See Drug List | 0 No Hurt  | 1 Hurts Little Bit | 2 Hurts Little More | 3 Hurts Even More | 4 Hurts Whole Lot | 5 Hurts Worst |          |         |        |
|       |            |            | O2 Sat %        | Aerosol TX                  | FSBS mg/dL | Duration:          | Day                 | Week              | Month             |               |          |         |        |

|               |                    |              |                        |              |             |                    |  |
|---------------|--------------------|--------------|------------------------|--------------|-------------|--------------------|--|
| ROS: General: | Fever —            | Chills —     | Myalgia —              |              |             |                    |  |
| ENT:          | Mouth              | Throat       | Drainage               | Congestion   | Eyes        | Ears: Pain (C) ear |  |
| Resp:         | Cough              | Congestion   | Short of Breath        | Wheezing L R | Asthma COPD |                    |  |
| CV:           | MI                 | Chest Pain   | Arrhythmia             |              |             |                    |  |
| GI:           | Pain               | Indigestion  | Nausea/Vomiting        | PUD          | IBS         | Colitis            |  |
|               | Diarrhea           | Constipation | Abdominal Exam         |              |             |                    |  |
| GU:           | Dysuria            | Frequency    | Abdominal Pain         | Urgency      | Nocturia    | Abdominal exam     |  |
| Neuro:        | Headache           | Pain         | Numbness/Loss of Power | Neuropathy   | Confusion   |                    |  |
| Ortho:        | Pain U/L Extremity | Joint Pain   | Abnormal ROM           |              |             |                    |  |

|          |  |  |   |              |                     |                       |  |
|----------|--|--|---|--------------|---------------------|-----------------------|--|
| General: | Pleasant   | Ill  | Painful                                       | Anxious      |                     |                       |  |
| HEENT:   | PERLA EOMI   | Sinus Congestio                              | Conjunctivitis +                              | Icterus      | Drainage            |                       |  |
|          |  | Rhininitis/Sinusitis                         | Oral  | Pharyngitis  | TM's L R            | Tonsillar Hypertrophy |  |
| Neck:    | Lymphadenopathy                                    | VA 20/ L 20/ R                               | Abnormal ROM                                  | Fundi L R    |                     |                       |  |
| Resp:    | CTA  | Cough  | Congestion                                    | Wheeze L R   | Crackles L R        | Respiratory Distress  |  |
| CV:      | RSR  | Irregular                                    | Murmur  |              |                     |                       |  |
| Abdomen: | BS X4  | Soft/Firm                                    | Guarding                                      | Pain         | Rebound             | CVA L R               |  |
|          | Lesions  | Discharge                                    | Prostate Firm/Soft                            | Nodules      | Scrotal Abnormality | Mass                  |  |
| Breast:  | Symmetrical  | Nipple Discharge                             | Erythema                                      | Masses       |                     |                       |  |
| GYN:     | Vaginal Ext  | Vaginal D/C                                  | Cervix  | Adenxa       |                     |                       |  |
| Ext:     | Hand L R<br>Wrist L R<br>Elbow L R<br>Shoulder L R | Hip L R<br>Knee L R<br>Ankle L R<br>Foot L R | Swelling<br>Edema<br>Erythema<br>Abnormal ROM | Orthopedic   |                     |                       |  |
| Skin:    | Rash   | Turgor                                       | Kerotic                                       | chronic pain |                     |                       |  |
| Back:    | Cervical ROM                                       | Thoracic Rom                                 | Lumbar ROM                                    | SLR          | Paresthesias        | DTR                   |  |
| Neuro:   | CN 2-12 intact                                     | Focal Deficit                                |   |              |                     |                       |  |

|      |  |   |
|------|--|---|
| Imp: | (1) Sore (2) OM (3) Cervical (4) Anxiety (5) Lichen Plan | Plan: (1) Reflux 2nd RN 3rd RN<br>(2) Leukineers Rx 1 AM/PM<br>(3) ATZ 30 mg 150 cc<br>(4) Robin 210 / Recurring Rx<br>(5) Cont 200 mg - Xant 25 mg 1-2 tabs<br>Pt worried about muscle rx<br>Reporting key answers - |
|      |  | Signature: <i>[Signature]</i>   |

Family Practice Center of Abbeville, PA - Richard L. Bendinger, D.O.

2-22-08 Name: Thornton Linda

Date of Birth 5-16-64

Mouthy checkup, check ears feels like fluid in  
ears makes her dizzy.

| Social HX     | Tobacco              | ETOH | Drugs          | O2 Sat %                 | Aerosol TX     | FSBS mg/dL    | Duration: | Day | Week                                       | Month |
|---------------|----------------------|------|----------------|--------------------------|----------------|---------------|-----------|-----|--|-------|
| ROS: General: | Fever ↗              |      | Chills ↗       | Myalgia ↗                |                |               |           |     |  |       |
| ENT:          | Mouth                | —    | Throat         | Drainage ↗               | Congestion ↗   | Eyes ↗        | Ears ↗    | —   | → Pt worried about                         |       |
| Resp:         | Cough                | —    | Congestion ↗   | Short of Breath ↗        | Wheezing L R ↗ | Asthma COPD ↗ |           |     | Safety because of law suit                 |       |
| CV:           | MI ↗                 | —    | Chest Pain ↗   | Arrhythmia ↗             |                |               |           |     |  |       |
| GI:           | Pain ↗               | —    | Indigestion ↗  | Nausea/Vomiting ↗        | PUD ↗          | IBS ↗         | Colitis ↗ | —   | The went to eat out to eat in public place |       |
|               | Diarrhea ↗           | —    | Constipation ↗ |                          |                |               |           |     |  |       |
| GU:           | Dysuria ↗            | —    | Frequency ↗    | Abdominal Pain ↗         | Urgency ↗      | Nocturia ↗    |           |     |  |       |
| Neuro:        | Headache ↗           | —    | Pain ↗         | Numbness/Loss of Power ↗ | Neuropathy ↗   | Confusion ↗   |           |     |  |       |
| :             | Pain U/L Extremity ↗ | —    | Joint Pain ↗   | Abnormal ROM ↗           |                |               |           |     |  |       |

Anxiety - Deppin - Day discusses about his lawsuit

in humanized form - She has been a lot of anxiety.

and imminent. She is re-living some of the horrors and

Causing her to feel worse. It wants it to be over to get life back.

|          |  |  |                   |             |  |                       |
|----------|--|--|-------------------|-------------|--|-----------------------|
| General: | Pleasant   | III  | Painful           | Anxious     |  |                       |
| HEENT:   | PERLA  | EOMI   | Conjunctivitis    | Icterus     | Drainage   | Currum -              |
|          | Sinus Congestion   | Rhininitis/Sinusitis                         | Oral              | Pharyngitis | TM's L-R   | Tonsillar Hypertrophy |
| Neck:    | Lymphadenopathy  | VA 20/ L 20/ R                               | Abnormal ROM      | Fundi L R   |  |                       |
| Resp:    | CTA  | Cough  | Congestion        | Wheeze L R  | Crackles L R   | Respiratory Distress  |
| IV:      | RSR  | Irregular                                    | Murmur            |             |  |                       |
| JI:      | BS X4  | Soft/Firm                                    | Guarding          | Pain        |  |                       |
|          | Rebound  | CVA L R                                      | Mass              |             |  |                       |
| GU:      | Lesions  | Discharge                                    | Prostate Firm/Sof | Nodules     | Scrotal Abnormality  |                       |
| breast:  | Symmetrical  | Nipple Discharge                             | Erythema          | Masses      |  |                       |
| VYN:     | Vaginal Ex:  | Vaginal D/C                                  | Cervix            | Adenexa     |  |                       |
| xc:      | Hand L R<br>Wrist L R<br>Elbow L R<br>Shoulder L R                 | Hip L R<br>Knee L R<br>Ankle L R<br>Foot L R | Swelling          | Edema       | Erythema   | Abnormal ROM          |
| Kin:     | Rash   | Turgor                                       | Keratic           | Currum Pan  | Cysticomas, SCL  | (+) Cervix -          |
| adcl:    | Cervical ROM   | Thoracic Rom                                 | Lumber ROM        | SLR         | Paresthesias   | DTR                   |
| imp:     | (1) Sinus<br>(2) URI<br>(3) Currum Pan<br>(4) Anxiety - Depression |  |                   | Plan:       | (1) Iodine (2) + 600 - (2) Atenolol<br>(2) Atumax 1.5mg Sustained or Cipro<br>(3) Bumpr 10 mg BID -<br>(4) Probulin 1000 mg<br>(5) Rx control f. M/T | (b) cont 2            |

## FAMILY PRACTICE CENTER OF ABBEVILLE, PA

210 DOOTHAN RD  
ABBEVILLE, AL 36311  
334-585-6421

## OFFICE VISITS

|         |                |          |                |               |         |          |
|---------|----------------|----------|----------------|---------------|---------|----------|
| NAME    | Linda Thornton |          | MARITAL STATUS | DATE OF BIRTH | 5-16-64 | Formedic |
| ADDRESS |                |          | ETCERWLL SEP   | PHONE (H)     | 101     |          |
| DATE    | DIAGNOSIS      | CPT CODE | WT             | 233           | BF      | 147/103  |
| 3/17/08 |                |          |                |               | P       | 80       |

BP elevated, patient under increased stress lately  
 Some deviations in sexual harassment case over  
 the weekend. Very anxious - also to ↑ pain -  
 patient. Pt didn't get mammogram done as  
 she is reluctant to go out by herself due to  
 fear of confrontation by Frank Williams -  
 she would like to get one now as well but she  
 is afraid to go out in public places. Her  
 anxiety & depression continues she was unable to see  
 female counselor due to insurance now coverage.

She is taking Paxil 2X daily along with Zoloft for  
 her depression - her BP has been very high as well  
 due to ↑ anxiety  
 ENT - no acute changes

Check PBP SH

Chest CT

Abdomen CT scan

ECG OR

Urinary - Urinary pain, SLEP Balut Rom & 20% pain; DTR 1/4th -

(1) Poorly controlled HON

Exacerbated by situational anxiety

(2) Lumbar - chronic back pain.

(3) Anxiety - Depression

- PT:
- (1) Add Benicar 20/12.5 to regimen for BP (Sample provided)
  - (2) Zoloft 0.160 \$90 1/4 10% pain
  - (3) Continue Zoloft, Paxil - add Iloprost 0.5 & 3% yr pain
  - (4) RTC for Pt's BP & discuss anxiety-depression & depression in patient  
 to try & assist to see what might

## Family Practice Center of Abbeville, PA - Richard L. Bendinger, D.O.

Date: 4-14-08 Name: Thornton, Linda

Date of Birth 5-16-66

Back pain is R leg pain; anxiety - Depression

|         |          |      |       |            |     |        |       |       |      |          |         |        |
|---------|----------|------|-------|------------|-----|--------|-------|-------|------|----------|---------|--------|
| Vitals: | Wgt: 142 | Hgt: | Temp: | BP: 173/84 | RR: | HR: 83 | Pain: | Sharp | Dull | Pressure | Burning | Crampy |
|---------|----------|------|-------|------------|-----|--------|-------|-------|------|----------|---------|--------|

|      |        |     |      |      |      |            |   |  |  |  |  |  |
|------|--------|-----|------|------|------|------------|---|--|--|--|--|--|
| PHx: | N/A    | MI  | CA   | PMHx | PSHx | Allergies  | Medications<br>Reviewed<br><u>See Drug List</u> |  |  |  |  |  |
|      | HTN    | DM  | COPD |      |      | <u>NKA</u> |   |  |  |  |  |  |
|      | Asthma | CVA | CHF  |      |      |            |   |  |  |  |  |  |

|           |         |      |       |        |   |            |      |       |           |     |      |       |
|-----------|---------|------|-------|--------|---|------------|------|-------|-----------|-----|------|-------|
| Social HX | Tobacco | ETOH | Drugs | O2 Sat | % | Aerosol TX | FSBS | mg/dL | Duration: | Day | Week | Month |
|-----------|---------|------|-------|--------|---|------------|------|-------|-----------|-----|------|-------|

|               |                    |              |                        |                 |             |         |  |  |  |  |  |
|---------------|--------------------|--------------|------------------------|-----------------|-------------|---------|--|--|--|--|--|
| ROS: General: | Fever              | Chills       | Mysalgia               |                 |             |         |  |  |  |  |  |
| ENT:          | Mouth              | Throat       | Drainage               | Congestion      | Eyes        | Ears    |  |  |  |  |  |
| Resp:         | Cough              | Congestion   | Short of Breath        | Wheezing L R    | Asthma COPD |         |  |  |  |  |  |
| CV:           | MI                 | Chest Pain   | Arrhythmia             |                 |             |         |  |  |  |  |  |
| GI:           | Pain               | Indigestion  | Nausea/Vomiting        | PUD             | IBS         | Colitis |  |  |  |  |  |
|               | Diarrhea           | Constipation |                        |                 |             |         |  |  |  |  |  |
| GU:           | Dysuria            | Frequency    | Abdominal Pain         | Urgency         | Nocturia    |         |  |  |  |  |  |
| Neuro:        | Headache           | Pain         | Numbness/Loss of Power | Neuropathy      | Confusion   |         |  |  |  |  |  |
| Ortho:        | Pain U/L Extremity | Joint Pain   | Abnormal ROM           | LS pain chronic |             |         |  |  |  |  |  |

Hm for PMS continual back pain - pain into R leg

PT still very anxious about Court case which is ongoing

PT worried about harassment by previous coworkers she is reluctant to go anywhere in public / not sleeping

|          |  |  |                    |             |                     |                       |                                   |
|----------|--|--|--------------------|-------------|---------------------|-----------------------|-----------------------------------|
| General: | Plaques  | III  | Painful            | Anxious     |                     |                       |                                   |
| HEENT:   | PERLA  | EOMI   | Conjunctivitis     | Icterus     | Drainage            |                       |                                   |
|          | Sinus Congestion                                   | Rhininitis/Sinusitis                         | Oral               | Pharyngitis | TM's L R            | Tonsillar Hypertrophy |                                   |
| Neck:    | Lymphadenopathy                                    | VA 20/ L 20/ R                               | Abnormal ROM       | Fundi L R   |                     |                       | (2) Lymph nodes #40               |
| Resp:    | CTA  | Cough  | Congestion         | Wheeze L R  | Crackles L R        | Respiratory Distress  | #40                               |
| CV:      | BSR  | Irregular                                    | Murmur             |             |                     |                       | 177                               |
| GI:      | BS X4  | Soft/Firm                                    | Guarding           | Pain        |                     |                       | (3) Klonan 60 mg #50/day          |
|          | Rebound  | CVA L R                                      | Mass               |             |                     |                       |                                   |
| GU:      | Lesions  | Discharge                                    | Prostate Firm/Soft | Nodules     | Scrotal Abnormality |                       |                                   |
| Breast:  | Symmetrical  | Nipple Discharge                             | Erythema           | Masses      |                     |                       |                                   |
| GYN:     | Vaginal Ext  | Vaginal D/C                                  | Cervix             | Adenoxa     |                     |                       |                                   |
| Ext:     | Hand L R<br>Wrist L R<br>Elbow L R<br>Shoulder L R | Hip L R<br>Knee L R<br>Ankle L R<br>Foot L R | OM                 | Swelling    | Edema               | Erythema              | Abnormal ROM                      |
|          |  |  |                    |             |                     |                       | Lumbar pain - LS tenderness ↓ ROM |
| Skin:    | Rash   | Turgor                                       | Keratin            |             |                     |                       |                                   |
| Back:    | Cervical ROM                                       | Thoracic Rom                                 | Lumbar ROM         | SLR         | Paresthesias        | DTR                   |                                   |

Imp: ① Anxiety - Depression  
② Lumbar pain  
③ Tinnitus  
④ Headache

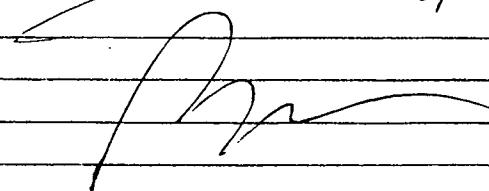
Plan: ① PT was unable to go to previous counselor due to language barrier before Catholic Services female counselor

Signature:

## FAMILY PRACTICE CENTER OF ABBEVILLE, PA

217 DOTHAN RD  
ABBEVILLE, AL 36310  
334-585-6421

## OFFICE VISITS

|   |                                      |    |    |              |          |  |  |
|---|--------------------------------------|----|----|--------------|----------|--|--|
| NAME  | Marital Status<br>M/F/MW/D SEP BIRTH |    |    | PHONE (H)    | Formedic |  |  |
| ADDRESS   |                                      |    |    | 693-0574 101 |          |  |  |
| DATE<br>DIAGNOSIS<br>CPT CODE   | HT                                   | WT | BF | P            | T        |  |  |
| 5.16.08.<br>Pt states Catholic Services (counseling).<br>Counselor is out of work now.<br>Request female counselor -<br>Husband @ 91 Rucker - has Card for<br>Bradford Health Service defendant can<br>go (Drug, Alcohol & Counseling Mental Health)<br>Pt to contact Bradford for Counseling.<br>will let Dr. Bendinger know of needing<br>referral. |                                      |    |    |              |          |  |  |
|   |                                      |    |    |              |          |  |  |

## Family Practice Center of Abbeville, PA - Richard L. Bendinger, D.O.

|   |   |   |                        |                     |                                    |   |                          |
|---|---|---|------------------------|---------------------|------------------------------------|---|--------------------------|
| 5/12/08   | Name: Thornton Linda  | Date of Birth 5-16-64   |                        |                     |                                    |   |                          |
| Anxiety, back pain pain down leg<br>Very anxious - has appointment today & was sick.<br>COPD & lumbar pain.                           |   |   |                        |                     |                                    |   |                          |
| Vitals: Wgt: 243  | Hgt:  | Temp: BP: 130/80 RR: HR: Pain: Sharp Dull Pressure Burning Crampy |                        |                     |                                    |   |                          |
| FHX: N/A  | MI  | CA PSHx _____   | PSHx _____             | Allergies A/P/D/A   | Medications Reviewed See Drug List |   |                          |
| HTN   | DM  | COPD  |                        |                     |                                    | 0 No Hurt 1 Hurt Little Bit 2 Hurt Little More 3 Hurt Even More 4 Hurt Whole Lot 5 Hurt Worst |                          |
| Asthma  | CVA   | CHF   |                        |                     |                                    |   |                          |
| Social HX   | Tobacco   | ETOH  | Drugs                  | O2 Sat %            | Aerosol TX                         | FSBS mg/dL  | Duration: Day Week Month |
| ROS: General:   | Fever   | Chills  | Myalgia                |                     |                                    |   |                          |
| ENT:  | Mouth   | Throat  | Drainage               | Congestion          | Eyes                               | Ears  |                          |
| Resp:   | Cough   | Congestion  | Short of Breath        | Wheezing L R        | Asthma COPD                        |   |                          |
| CV:   | MI  | Chest Pain  | Arrhythmia             |                     |                                    |   |                          |
| GI:   | Pain  | Indigestion   | Nausea/Vomiting        | PUD                 | IBS                                | Colitis   |                          |
|   | Diarrhea  | Constipation  |                        |                     |                                    |   |                          |
| GU:   | Dysuria   | Frequency   | Abdominal Pain         | Urgency             | Nocturia                           |   |                          |
| Neuro:  | Headache  | Pain  | Numbness/Loss of Power | Neuropathy          | Confusion                          |   |                          |
|   | Pain U/L Extremity  | Joint Pain  | Abnormal ROM           |                     |                                    |   |                          |
| <p>- Lumbar pain is Tenderness → ② Les.</p> <p>↓ ROM.</p> <p>- Anxiety - pt has been seen by Cathleen Service, with cont. clavir.</p> |   |   |                        |                     |                                    |   |                          |
| General: Pleasant   | Ill   | Painful   | Anxious                |                     |                                    |   |                          |
| HEENT: PERLA  | EDOM  | Conjunctivitis  | Icterus                | Drainage            |                                    |   |                          |
| Sinus Congestion  | Rhininitis/Sinusitis  | Oral  | Pharyngitis            | TM's L R            | Tonsillar Hypertrophy              |   |                          |
| Neck: Lymphadenopathy   | VA 20/ L 20/ R  | Abnormal ROM  | Fundi L R              |                     |                                    |   |                          |
| Resp: CTA   | Cough   | Congestion  | Wheezes L R            | Crackles L R        | Respiratory Distress               |   |                          |
| IV: KSR   | Irregular   | Murmur  |                        |                     |                                    |   |                          |
| AB: BS X4   | Soft/Firm   | Guarding  | Pain                   |                     |                                    |   |                          |
|   | Rebound   | CVA L R   | Mass                   |                     |                                    |   |                          |
| GU: Lesions   | Discharge   | Prostate Firm/Sof   | Nodules                | Scrotal Abnormality |                                    |   |                          |
| rect: Symmetrical   | Nipple Discharge  | Erythema  | Masses                 |                     |                                    |   |                          |
| YN: Vaginal Ext   | Vaginal D/C   | Cervix  | Adenexa                |                     | Barth                              | classic Gardner rule  |                          |
| KL: Hand L R  | Hip L R   |   |                        |                     |                                    |   |                          |
| Wrist L R   | Knee L R  |   |                        |                     |                                    |   |                          |
| Elbow L R   | Ankle L R   |   |                        |                     |                                    |   |                          |
| Shoulder L R  | Foot L R  |   |                        |                     |                                    |   |                          |
| SKIN: Rash  | Turgor  | Keratotic   |                        |                     |                                    |   |                          |
| NECK: Cervical ROM  | Thoracic Rom  | Lumbar ROM  | SLR                    | Paresthesias        | DTR                                | (R to L)  |                          |
| IMP: Lumbosacral  | Plan: Cleviphen 400 mg/day chronic doses<br>② Amitriptyline 100 mg, PM<br>③ Dexamethasone can cause weight gain is very anxious |   |                        |                     |                                    |   |                          |
| ① Anxiety   |   |   |                        |                     |                                    |   |                          |
| ② Tension   |   |   |                        |                     |                                    |   |                          |

Family Practice Center of Asheville, PA - Richard L. Kleminger, D.O.

|       |                |                |         |            |           |
|-------|----------------|----------------|---------|------------|-----------|
| Name: | Thornton Flick | Date of Birth: | 5-16-04 | Contact #: | 1093-0574 |
|-------|----------------|----------------|---------|------------|-----------|

Request made by:  Patient  Family  Home Health  Pharmacy

|       |       |     |   |  |  |
|-------|-------|-----|---|--|--|
| Date: | 12/17 | CC: | Cough - Nasal decongestant request NKIA |  |  |
|-------|-------|-----|---|--|--|

|            |                             |  |  |  |  |
|------------|-----------------------------|--|--|--|--|
| Contact #: | Action:<br>Rx Atum MS 150cc |  |  |  |  |
|------------|-----------------------------|--|--|--|--|

|           |          |  |  |  |                 |
|-----------|----------|--|--|--|-----------------|
| Pharmacy: | Refills: |  |  |  | suggested<br>rx |
|-----------|----------|--|--|--|-----------------|

NPMart called - 12-18-07 Rx

Request made by:  Patient  Family  Home Health  Pharmacy

|       |         |     |                                     |  |  |
|-------|---------|-----|-------------------------------------|--|--|
| Date: | 1/25/08 | CC: | Advised Bucosal Bi-D instead of PRN |  |  |
|-------|---------|-----|-------------------------------------|--|--|

|            |                                       |  |  |  |  |
|------------|---------------------------------------|--|--|--|--|
| Contact #: | Action: Rx as directed refill pending |  |  |  |  |
|------------|---------------------------------------|--|--|--|--|

|           |          |  |  |  |  |
|-----------|----------|--|--|--|--|
| Pharmacy: | Refills: |  |  |  |  |
|-----------|----------|--|--|--|--|

Request made by:  Patient  Family  Home Health  Pharmacy

|       |         |     |                                     |  |  |
|-------|---------|-----|-------------------------------------|--|--|
| Date: | 4-16-08 | CC: | Catholic Social Services - 793-3601 |  |  |
|-------|---------|-----|-------------------------------------|--|--|

|            |  |  |  |  |  |
|------------|--|--|--|--|--|
| Contact #: | Action: Amrt female counselor - new attorney coming - ASAP |  |  |  |  |
|------------|--|--|--|--|--|

|           |          |                                     |  |  |  |
|-----------|----------|-------------------------------------|--|--|--|
| Pharmacy: | Refills: | Social Services will contact if ref |  |  |  |
|-----------|----------|-------------------------------------|--|--|--|

Request made by:  Patient  Family  Home Health  Pharmacy

|       |         |     |                                |  |  |
|-------|---------|-----|--------------------------------|--|--|
| Date: | 5/10/08 | CC: | Lorraine 120 1/2 Bio #40 NL RT |  |  |
|-------|---------|-----|--------------------------------|--|--|

|            |   |  |  |  |  |
|------------|---|--|--|--|--|
| Contact #: | Action: Benefit of my 1 AID #60 50% phone 17148 |  |  |  |  |
|------------|---|--|--|--|--|

|           |          |  |  |  |  |
|-----------|----------|--|--|--|--|
| Pharmacy: | Refills: |  |  |  |  |
|-----------|----------|--|--|--|--|

Request made by:  Patient  Family  Home Health  Pharmacy

|       |     |  |  |  |  |
|-------|-----|--|--|--|--|
| Date: | CC: |  |  |  |  |
|-------|-----|--|--|--|--|

|            |         |  |  |  |  |
|------------|---------|--|--|--|--|
| Contact #: | Action: |  |  |  |  |
|------------|---------|--|--|--|--|

|           |          |  |  |  |  |
|-----------|----------|--|--|--|--|
| Pharmacy: | Refills: |  |  |  |  |
|-----------|----------|--|--|--|--|

|               |  |              |                        |   |                       |            |                                       |       |       |       |          |         |        |
|---------------|--|--------------|------------------------|---|-----------------------|------------|---------------------------------------|-------|-------|-------|----------|---------|--------|
| Date:         | 1/25/08 Name: Thornton Linda   |              |                        |   | Date of Birth 5-11-64 |            |                                       |       |       |       |          |         |        |
| C:            | X-ray back pain<br>Currently about lawsuit - going thru derivations<br>Not intent to a counselor Saw Carol Deen. Not Sleepy -<br>Cramps Tenderness |              |                        |   |                       |            |                                       |       |       |       |          |         |        |
| Vitals:       | Wgt: 247   | Hgt:         | Temp: 98.6             | BP: 120/90  | RR:                   | HR:        |                                       |       |       |       |          |         |        |
| PHx:          | N/A  | MI           | CA                     | PMRx  | PSRx                  | Allergies  | Medications Reviewed<br>See Drug List | Pain: | Sharp | Dull  | Pressure | Burning | Crampy |
|               | HTN  | DM           | COPD                   |   |                       | NADA       |                                       |       |       |       |          |         |        |
|               | Asthma   | CVA          | CHF                    |   |                       |            |                                       |       |       |       |          |         |        |
| Social HX     | Tobacco  | ETOH         | Drugs                  | O2 Sat %  | Aerosol TX            | FSBS mg/dL | Duration:                             | Day   | Week  | Month |          |         |        |
| ROS: General: | Fever  | Chills       | Myalgia                |   |                       |            |                                       |       |       |       |          |         |        |
| ENT:          | Mouth  | Throat       | Drainage               | Congestion  | Eyes                  | Ears       |                                       |       |       |       |          |         |        |
| Resp:         | Cough  | Congestion   | Short of Breath        | Wheezing L R  | Asthma COPD           |            |                                       |       |       |       |          |         |        |
| CV:           | MI   | Chest Pain   | Arrhythmia             |   |                       |            |                                       |       |       |       |          |         |        |
| GI:           | Pain   | Indigestion  | Nausea/Vomiting        | PUD   | IBS                   | Colitis    |                                       |       |       |       |          |         |        |
|               | Diarrhea   | Constipation |                        |   |                       |            |                                       |       |       |       |          |         |        |
| GU:           | Dysuria  | Frequency    | Abdominal Pain         | Urgency   | Nocturia              |            |                                       |       |       |       |          |         |        |
| Neuro:        | Headache   | Pain         | Numbness/Loss of Power | Neuropathy  | Confusion             |            |                                       |       |       |       |          |         |        |
| Ortho:        | Pain U/L Extremity   | Joint Pain   | Abnormal ROM           | Lumbosacral Pain - 4/5 Tenderness<br>4/10 pain 20 to 30 |                       |            |                                       |       |       |       |          |         |        |

|          |  |  |                    |             |  |                       |            |
|----------|--|--|--------------------|-------------|--|-----------------------|------------|
| General: | Pleasant   | Ill  | Painful            | Anxious     |  |                       |            |
| HEENT:   | PERLA  | EDOMI  | Conjunctivitis     | Icterus     | Drainage                                   |                       |            |
|          | Sinus Congestion                                   | Rhininitis/Sinusitis                         | Oral               | Pharyngitis | TM's L R                                   | Tonsillar Hypertrophy |            |
| Neck:    | Lymphadenopathy                                    | VA 20/ L 20/ R                               | Abnormal ROM       | Fundi L R   |  |                       |            |
| Resp:    | CTA  | Cough  | Congestion         | Wheeze L R  | Crackles L R                               | Respiratory Distress  |            |
| CV:      | XSR  | Irregular                                    | Murmur             |             |  |                       |            |
| GI:      | BS XX  | Soft/Firm                                    | Guarding           | Pain        |  |                       |            |
|          | Rebound  | CVA L R                                      | Mass               |             |  |                       |            |
| GU:      | Lesions  | Discharge                                    | Prostate Firm/Soft | Nodules     | Scrotal Abnormality                        |                       |            |
| Breast:  | Symmetrical  | Nipple Discharge                             | Erythema           | Masses      |  |                       |            |
| YN:      | Vaginal Ext  | Vaginal D/C                                  | Cervix             | Adenxa      | Pain with O                                |                       |            |
| xt:      | Hand L R<br>Wrist L R<br>Elbow L R<br>Shoulder L R | Hip L R<br>Knee L R<br>Ankle L R<br>Foot L R | 0/11               | Swelling    | Edema                                      | Abnormal ROM          | CS SCR (2) |
| an:      | Rash   | Turgor                                       | Kerotic            | Surface     | Pain & Tissue                              |                       |            |
| ck:      | Cervical ROM                                       | Thoracic Rom                                 | Lumbar ROM         | SLR         | Paresthesias                               | DTR                   |            |
| np:      | (1) Lightheaded<br>Radiculitis Pain<br>(2) Anxiety |  |                    | Plan:       | Court College<br>TTO \$90                  |                       |            |
|          |  |  |                    |             | (2) Decadron 1mg/7L<br>(3) Ploumar 1L \$50 |                       |            |
|          |  |  |                    |             | 1/24/08 Pain anxiety                       |                       |            |
|          |  |  |                    | Signature:  | B  |                       |            |

# **EXHIBIT D**

## FLAVOR HOUSE PRODUCTS

X Counseling Report

## Warning Report

|  |                                 |                    |                             |
|--|---------------------------------|--------------------|-----------------------------|
| Employee   | Johnny Millsap                  | Emp. #             | Date Submitted for Approval |
| Department   | Maintenance                     | Shift              | 2 <sup>nd</sup>             |
| Shift Supervisor   | Date Violation Occurred 6/28/04 |                    |                             |
|  |                                 | Department Manager | <i>Jeff Smith</i>           |
| SITUATION IN BRIEF (State violation according to Discipline & Discharge Policy): |                                 |                    |                             |
| Johnny threw a jar that bounced off<br>a rail and hit Linda                      |                                 |                    |                             |
|  |                                 |                    |                             |
|  |                                 |                    |                             |

|   |                              |
|---|------------------------------|
| DETAILS (Be specific)(See checklist on back): | Date Discussed With Employee |
| Linda got mad over the incident               |                              |
|   |                              |
|   |                              |
|   |                              |
|   |                              |

|   |
|---|
| ACTION TAKEN (Recommendation)(See checklist on back):                 |
| Never throws anything anywhere<br>inside the plant. Counseling Report |
|   |
|   |

|           |   |
|-----------|---|
| COMMENTS: | Another incident will result in further<br>disciplinary action up to and including<br>discharge |
|           |   |
|           |   |

EMPLOYEE: X *John W Millsap*

|                  |      |         |                |      |
|------------------|------|---------|----------------|------|
| Shift Supervisor | Date | Witness | Donald P. Cody | Date |
|------------------|------|---------|----------------|------|

|                    |         |                     |        |               |      |
|--------------------|---------|---------------------|--------|---------------|------|
| Department Manager | Date    | Human Resources     | Date   | Plant Manager | Date |
| <i>Jeff Smith</i>  | 6/30/04 | <i>Rhonda Allen</i> | 7/2/04 |               |      |

NOTICE: MUST BE APPROVED BY HUMAN RESOURCES AND PLANT MANAGER

Confidential

FH002914

# **EXHIBIT E**

**IN THE CIRCUIT COURT OF  
DALE COUNTY, ALABAMA  
FAMILY COURT DIVISION: DOMESTIC RELATIONS**

**In Re: The Marriage of  
RONNIE JEAN WILLIAMS  
Plaintiff,  
vs:  
FRANKLIN WILLIAMS, JR.  
Defendant.**

)  
)  
)  
)  
)  
)  
)

**CASE NO: DR 2006-189Q**

**COMPLAINT FOR DIVORCE**

COMES NOW, RONNIE JEAN WILLIAMS, hereinafter referred to as the Plaintiff, and would show unto your Honor the following particulars as a basis for the relief hereinafter prayed for, to wit:

1. Plaintiff is a married female over the age of nineteen years and has been a bona fide resident of the State of Alabama for over six months and currently resides at 5680 Hwy 84 E, Cowarts, AL 36321.
2. Defendant is a married male over the age of nineteen years and resides at 1408 N. Broad St., Cowarts, AL 36321.
3. Plaintiff and Defendant were legally married in Barbour County, Eufaula, AL on 07/13/1999.
4. Plaintiff and Defendant separated on 01/10/2006 and are living in a constant state of separation.
5. There are 2 minor children that are subject to the above cause of action.
6. The Plaintiff is entitled to a divorce from Defendant upon the following statutory grounds:
  - a. There exists a complete incompatibility of temperament between the parties such that they can no longer live together as husband and wife.
  - b. There has been an irretrievable breakdown of the marriage to the extent that any further attempts at reconciliation would be futile and not in the best interests of the parties or our minor children.

WHEREFORE, Plaintiff prays for judgment as follows:

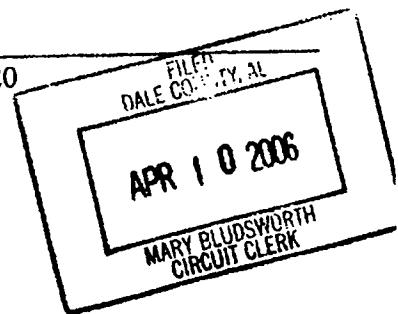
- a. That Plaintiff be awarded a judgment of divorce forever dissolving the bonds of matrimony now existing between the Plaintiff and the Defendant and;
- b. That all of the marital debts be equitably divided and;

- c. That all of the marital property be equitably divided and;  
d. That the Plaintiff be granted such other future relief as may be deemed proper by this Court and;  
e. That the Plaintiff and Defendant be awarded joint custody of the minor child(ren) subject to this cause of action and that the Plaintiff be awarded physical custody of Zachary Williams and the Defendant be awarded physical custody of Christopher Williams.

SIGNED AND SWORN ON THIS THE 31<sup>st</sup> DAY OF March, 2006.

Ronnie Jean Williams  
RONNIE JEAN WILLIAMS

*M. Scott*  
Pamela R. Scott SCO020  
6501 North US 431  
Headland, AL 36345  
(334) 677-1529



STATE OF ALABAMA  
COUNTY OF HOUSTON

BEFORE ME, a Notary Public in and for said County and State, came RONNIE JEAN WILLIAMS, whose name is signed to the foregoing Complaint for Divorce and who is known to me, and acknowledged before me on this date that being informed of the contents of this Complaint, executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal this 31<sup>st</sup> day of March, 2006.

Barbara Thorsley  
NOTARY PUBLIC  
My commission expires: 9/30/07

(SEAL)

# **EXHIBIT F**

Swear me the undersigned Judge/Clerk/Magistrate of The District Court of Barbour County, Alabama, personally appeared W. R. who being by me first duly sworn deposes and says that he/she has probable cause for believing, and does believe that within twelve months within said County on or about (date) April 4, 1991 one Franklin Williams Jr. did engage in deviate sexual intercourse with F. W., who was less than twelve years of age (10), he, the said Franklin Williams Jr., being 16 years old or older (19), in violation of 13A-6-63 of the Code of Alabama

against the peace and dignity of the State of Alabama.

Sworn to and Subscribed before me this the 24th day of September, 1991.

Diane M. Farley  
Judge/Clerk/Magistrate of District Court

Wanda Roughton  
Complainant's Signature

|  |                          |                           |
|--|--------------------------|---------------------------|
| <b>STATE OF ALABAMA</b><br><b>Barbour COUNTY</b> | <b>WARRANT OF ARREST</b> | <b>THE DISTRICT COURT</b> |
|--|--------------------------|---------------------------|

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

Are thereof commanded to arrest Franklin Williams Jr. and bring him/her before the DISTRICT COURT OF Barbour COUNTY, to answer the State of Alabama on a charge of Sodomy, 1st Degree- Class A Felony- Court 10-8-91 at 9 A.M. - Eufaula

and have you then and there this writ with your return thereon

Dated this 24th day of September, 1991.

The Sheriff will take bond in the sum of \$ \_\_\_\_\_

Diane M. Farley  
Judge/Clerk/Magistrate of District Court

|   |  |                 |
|---|--|-----------------|
| <b>WARRANT NO.</b> <u>DC - 91- 2190</u>   | <b>STATE WITNESSES</b><br><u>W. R. -</u>   | <b>Euf., Al</b> |
| <b>WARRANT OF ARREST</b><br><b>THE DISTRICT COURT OF</b><br><b>Barbour COUNTY</b> | <b>Defendant's Address:</b>  |                 |
| <b>THE STATE OF ALABAMA</b><br><b>v.</b><br><br><b>Franklin Williams Jr.</b>      | Executed the within Warrant by Arresting<br>the within named Defendant and<br>Taking Appearance Bond<br>Committing Defendant to Jail<br><br>This <u>8</u> day of <u>September</u> , 19 <u>91</u><br><br>By <u>OC</u> Sheriff |                 |

COMPLAINT AND  
WARRANT

Be me the undersigned Judge/Clerk/Magistrate of the District Court of Barbour County, Alabama, personally appeared D. N. who being by me first duly sworn deposes and says that he/she has probable cause for believing, and does believe that within twelve months within said County on or about (date) August 1, 1991 one Franklin Williams Jr. did engage in deviate sexual intercourse with A. N. (age 14) by forcible compulsion in violation of 13A-6-63 of the Code of Alabama

against the peace and dignity of the State of Alabama.

Sworn to and Subscribed before me this the 7th  
day of October, 19 91

Debbie Nelson  
Judge/Clerk/Magistrate of District Court

Debbie Nelson  
Complainant's Signature

**STATE OF ALABAMA**  
Barbour COUNTY

**WARRANT OF ARREST****THE DISTRICT COURT**

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

Are thereof commanded to arrest Franklin Williams Jr. and bring him/her before the DISTRICT COURT OF Barbour COUNTY, to answer the State of Alabama on a charge of Sodomy, 1st Degree- Class A Felony- Court 11-5-91 at 9 A.M. - Eufaula and have you then and there this writ with your return thereon

Dated this 7th day of October, 19 91.

Debbie Nelson  
Judge/Clerk/Magistrate of District Court

**WARRANT NO.** DC-91-2189  
**WARRANT OF ARREST**  
THE DISTRICT COURT OF  
Barbour COUNTY

THE STATE OF ALABAMA

v.  
Franklin Williams Jr.

**STATE WITNESSES**

D. N.- Ike Moss- DA's office- Euf., AL

**Defendant's Address:**

W. Washington St., Euf., AL

Race: W Sex: M Height:

Weight: \_\_\_\_\_ Eye Color:

DOB: Age 20

DL No.:

S. S. Number:

Employment:

Executed the within Warrant by Arresting  
the within named Defendant and  
Taking Appearance Bond  
Committing Defendant to jail

This 8/1/91 day of August, 19 91

By Sheriff

I, the undersigned Judge/Clerk/Magistrate of the District Court of Barbour County, Alabama, personally appeared P. S. who being by me first duly sworn deposes and says that he/she has probable cause for believing, and does believe that within twelve months within said County on or about (date) between March 23 & 30, 1991, Franklin Williams Jr. did a male, did engage in sexual intercourse with M. S. (13) who was less than sixteen years of age, the said Franklin Williams Jr. being 16 years or older and at least two years older than the said M. S. in violation of 13A-6-62 of the Code of Alabama

against the peace and dignity of the State of Alabama.

Sworn to and Subscribed before me this the 2nd day of October, 19 91

Debbie McHenry  
Judge/Clerk/Magistrate of District Court

Phillip D. Sampson  
Complainant's Signature

STATE OF ALABAMA  
Barbour COUNTY

### WARRANT OF ARREST

### THE DISTRICT COURT

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

are thereof commanded to arrest Franklin Williams Jr. and bring him/her before the DISTRICT COURT OF Barbour COUNTY, to answer the State of Alabama on a charge of Rape, 2nd Degree- Class B Felony- Court 11-5-91 at 9 A.M. - Eufaula and have you then and there this writ with your return thereon

Dated this 2nd day of October, 19 91

The Sheriff will take bond in the sum of \$ \_\_\_\_\_

Debbie McHenry  
Judge/Clerk/Magistrate of District Court

WARRANT NO. DC - 91 - 2191

### STATE WITNESSES

P. S.  
Ike Moss- DA's Office- Euf., Al

WARRANT OF ARREST  
THE DISTRICT COURT OF  
Barbour COUNTY

THE STATE OF ALABAMA

v.

Franklin Williams Jr.

Executed the within Warrant by Arresting the within named Defendant and Taking Appearance Bond Committing Defendant to Jail

This 2 day of Oct, 19 91

By Debbie McHenry Sheriff

### Defendant's Address:

W. Washington St., Euf., Al

Race: W Sex: M Height:

Weight: \_\_\_\_\_ Eye Color: \_\_\_\_\_

DOB: age 20

DL No.:

S.S. Number:

Employment:

Case 1:07-cv-00712-WKW-WC Document 79-7 Filed 09/03/2008 Page 5 of 6

I, the undersigned Judge/Clerk/Magistrate of The District Court of BARBOUR County, Alabama, personally appeared

B. M. who being by me first duly sworn deposes and says that he/she has probable cause  
 for believing, and does believe that within twelve months within said County on or about (date) in July and August 1989  
 one Franklin Williams Jr. did engage in sexual intercourse with  
J. M., who was 14 years of age, the said Franklin Williams, Jr.  
 being 18 years of age in violation of 13A-6-62 of the Code of Alabama

against the peace and dignity of the State of Alabama.

Sworn to and Subscribed before me this the 5thday of September, 19 91M. M.  
Judge/Clerk/Magistrate of District Court

Complainant's Signatures

Brettland McLean**STATE OF ALABAMA**  
**Barbour COUNTY****WARRANT OF ARREST****THE DISTRICT COURT**

TO MY LAWFUL OFFICER OF THE STATE OF ALABAMA:

Are thereof commanded to arrest Franklin Williams Jr. and bring  
 him/her before the DISTRICT COURT OF BARBOUR COUNTY, to answer the State of Alabama on a charge  
 of Rape, 2nd Degree - Class B Felony - Court 10-B-91 at 9 A.M. - Eufaula  
 and have you then and there this writ with your return thereon

Dated this 5TH day of September, 19 91

The Sheriff will take bond in the sum of \$ \_\_\_\_\_

\_\_\_\_\_  
Judge/Clerk/Magistrate of District Court

WARRANT NO. \_\_\_\_\_  
**WARRANT OF ARREST**  
 THE DISTRICT COURT OF  
Barbour COUNTY

**STATE WITNESSES**B. M.  
J. M.

Becky Dowling- Human Resources  
 Lynn Baker- Human Resources  
 Ike Moss- DA's Office- Euf., AL

Defendant's Address: \_\_\_\_\_, AL

I, the undersigned Judge/Clerk/Magistrate of the District Court of Barbour County, Alabama, personally appeared S. L. who being by me first duly sworn deposes and says that he/she has probable cause for believing, and does believe that within twelve months within said County on or about (date) April 4, 1991 one Franklin Williams Jr. did being a male, engage in sexual intercourse with G. L., a female, who was less than sixteen (13) and more than twelve years of age, the said Franklin Williams Jr. being 16 years or older (19) and at least two years older than the said G. L. in violation of 13A-6-62 of the Code of Alabama

against the peace and dignity of the State of Alabama.

Sworn to and Subscribed before me this the 24th  
day of September, 1991

Debbie McFarney  
Judge/Clerk/Magistrate of District Court

S. L. Land  
Complainant's Signature

**STATE OF ALABAMA**  
**Barbour COUNTY**

### WARRANT OF ARREST

### THE DISTRICT COURT

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

Are thereof commanded to arrest Franklin Williams Jr. and bring him/her before the DISTRICT COURT OF Barbour COUNTY, to answer the State of Alabama on a charge of Rape, 2nd Degree- Class B Felony- Court 10-8-91 at 9 A.M. - Eufaula and have you then and there this writ with your return thereon

Dated this 24th day of September, 1991

The Sheriff will take bond in the sum of \$ \_\_\_\_\_

Debbie McFarney  
Judge/Clerk/Magistrate of District Court

WARRANT NO. DC-91-2187

### STATE WITNESSES

**WARRANT OF ARREST**  
**THE DISTRICT COURT OF**  
**Barbour COUNTY**

**THE STATE OF ALABAMA**

v.  
Franklin Williams Jr.

Executed the within Warrant by Arresting  
the within named Defendant and  
Taking Appearance Bond  
Committing Defendant to Jail

This 8/1 day of

08, 1991

Det. Smith  
By J. H. Yer  
Sheriff  
Liberty Sheriff

Defendant's Address:

Race:  W Sex:  M Height:

Weight: \_\_\_\_\_ Eye Color: \_\_\_\_\_

DOB:

DL No.:

S. S. Number:

Employment:

# **EXHIBIT G**

B  
4-16-92

## ALABAMA BOARD OF PARDONS AND PAROLES

## REPORT OF INVESTIGATION

Type of Investigation Preliminary Investigation Date Dictated 3/12/92Name Franklin Williams, Jr. True Name SameAlias NoneRSA WM. 21 DOB 5/25/71 Height and Weight 6'2", 145 lbs.Complexion Medium Color or Hair Brn. Color of Eyes Brn.Bodily Marks Driver's License # Al 5563308 SS# 417-02-3546AIS#  FBI#  SID# Address 109 Jackson Street Phone # 687-2996  
Eufaula, Alabama 36027County Barbour Case # 92-17/18/19/20/21Offense(s) Sodomy 1st (2 cts.) Rape 2nd (3 cts.)Sentence(s) 10 years each case - concurrentDate of Sentence 2/14/92 Date Sentence began 2/14/92Date of Arrest  Date of Bond  Bond Amt. \$ Judge William H. Robertson D.A. Ben Reeves, Jr.Attorney J. Harvey Jones Retained  Appointed XCourt Ordered Restitution \$ \$1,045.00Barred from Parole Yes  No X

NOTES: C.R. 4-16-92

Continued Preliminary  
Franklin Williams , Jr.

PRESENT OFFENSE

-3-

County, Court and Case Number:

Barbour, Circuit Court, CC 92-18

Offense:

Rape 2nd

Sentence:

10 years concurrent

Date of Sentence:

2/14/92

Details of Offense:

On 8/9/91 R [REDACTED] L [REDACTED], age 14, states she has had sex with Franklin Williams, Jr., age 20. She states Franklin told her he was sterile and they used no contraceptive, but have had sex several different times. Frankie was her boyfriend for awhile but now she is not allowed to see him but she still likes him. She states that they just decided to "do it" last summer.

Subject's Statement:

Subject does admit to this offense.

Case Status of Co-defendant:

N/A

Victim Notification Information:

R [REDACTED] L [REDACTED] is the victim in this case.

Victim Impact:

Form 203 B was given to victim.

Location of Offense:

This offense occurred within the city limits of Eufaula, Alabama.

Court Ordered Restitution:

None

~~BASIC INVESTIGATIVE INFORMATION~~  
IDENTIFYING INFORMATION  
PRESENT OFFENSE(S)

County, Court and Case Number:

-2-

Barbour, Circuit, CC 92-17

Offense:

Sodomy 1st

Sentence:

10 years each case concurrent

Date of Sentence:

2/14/92

Details of Offense:

On 8/16/91 F [REDACTED] W [REDACTED] states that Franklin Williams, Jr. visited her home a great deal. Franklin often babysat for F [REDACTED] and her sister, M [REDACTED], age six. F [REDACTED] stated, "my cousin" Renee was going with Frank and they were all at her apartment. Renee and F [REDACTED] were playing truth or dare. Renee dared F [REDACTED] to suck Frank's private part and then let Frank "eat" F [REDACTED] private part. F [REDACTED] stated she felt someone holding her head. She didn't know if it was Renee or Frank. F [REDACTED] was asked if Renee was in the room while she and Frank were doing this and she stated "Renee watched us because after me and Frank stopped, Renee and Frank did it too." According to F [REDACTED], this occurred in her bedroom. F [REDACTED] denies any other sexual contact.

F [REDACTED] W [REDACTED], age 10, was neat and clean. However, her clothes were beyond her age group.

Subject's Statement:

Subject did admit guilt to this offense.

Case Status of Co-defendants:

N/A

Victim Notification Information:

F [REDACTED] W [REDACTED] is the victim in this case.

Victim Impact:

209 B victim's form given to victim.

Location of Offense:

This offense occurred within the city limits of Eufaula, Alabama.

Court Ordered Restitution:

\$1,045.00

Continued Preliminary  
Franklin Williams, Jr.

PRESENT OFFENSE

-4-

Barbour, Circuit Court, CC 92-19

Offense:

Sodomy 1st

Sentence:

10 years concurrent

Date of Sentence:

2/14/92

Details of Offense:

On 10/1/91 A\_\_\_\_\_ was interviewed and became upset and started crying. She states that Franklin Williams, Jr., herself, Mark Thompson and Anita Shriver, went down Pump Station Road and turned left. A\_\_\_\_\_ states that they went off down toward the woods after crossing the railroad tracks. Mark and Anita went off walking. Franklin then asked A\_\_\_\_\_ "aren't you going to suck my dick?" A\_\_\_\_\_ said no. Franklin then put his hands around her neck and held her. Franklin had his pants down around his knees. He pushed A\_\_\_\_\_'s head down and put her mouth over his penis. A\_\_\_\_\_ stated it seemed like it went on forever but she guessed it was just a little while.

A\_\_\_\_\_ N\_\_\_\_\_ was 15 years old when this offense occurred.

Subject's Statement:

Subject does admit to this offense.

Case Status of Codefendants:

N/A

Victim's Notification Information:

A\_\_\_\_\_ N\_\_\_\_\_ is the victim in this case.

Victim's Impact:

Form 203 B given to victim.

Location of Offense:

This offense occurred within the city limits of Eufaula, Alabama.

Court Ordered Restitution:

None

Continued Preliminary  
Franklin Williams, Jr.

County, Court, Case Number:

Barbour, Circuit Court, CC 92-20

Offense:

Rape 2nd

Sentence:

10 years concurrent

Date of Sentence:

2/14/92

Details of Offense:

On 9/25/91 M [REDACTED] S [REDACTED], age 13, states she has known Franklin Williams, Jr., age 20, for a couple of years along with a group of girls from "the hill." M [REDACTED] identified "the hill" as the area around Jackson Street and Reeves Drive in Eufaula, Alabama. She states "I had sex with Franklin but I did not touch him with my mouth and he didn't do that to me either." M [REDACTED] states that she and Franklin were having sex and Mark Thompson was watching them.

Subject's Statement:

Subject does admit to this offense.

Case Status of Co-defendants:

N/A

Victim Notification Information:

M [REDACTED] S [REDACTED] is the victim in this case.

Victim Impact:

Form 203 B given to victim.

Location of Offense:

This offense occurred within the city limits of Eufaula, Alabama.

Court Ordered Restitution:

None

Continued Preliminary  
Franklin Williams, Jr.

-6-

PRESENT OFFENSE

County, Court, Case Number:

Barbour, Circuit Court, CC 92-21

Offense:

Rape 2nd

Sentence:

10 years concurrent

Date of Sentence:

2/14/92

Details of Offense:

During an interview on 9/4/91 with J. [REDACTED] M. [REDACTED], age 16, J. [REDACTED] states she "went with" Franklin Williams, Jr. in 1988 and 1989. J. [REDACTED] was about 12 years old at the time. She stated they had sex about four times. She stated they just had regular sex. J. [REDACTED] states she did not put her mouth on him anywhere and he didn't do that to her either. J. [REDACTED] identified the four sexual encounters as happening on or about February 1988, June 1988, July 1989 and August 1989. J. [REDACTED] stated "the first time we had sex he forced me but the other times I agreed to have sex with him." J. [REDACTED] believes Franklin was 18 years of age at this time.

Subject's Statement:

Subject did admit to this offense.

Case Status of Co-defendants:

N/A

Victim Notification Information:

J. [REDACTED] M. [REDACTED] is the victim in this case.

Victim Impact:

203 B form given to victim. J. [REDACTED] M. [REDACTED] states it will take a long time for her to get over ordeal with this rape. She says it has been over 4 years and she still has a hard time dealing with it. She states she has had emotional distress and is unable to relax around males.

J. [REDACTED] wishes to see stiffer punishment for sex offenders. She states it affects a lot of people besides her, the victim, and something she will have to live with the rest of her life.

Location of Offense:

This offense occurred within the city limits of Eufaula, Alabama.

Court Ordered Restitution:

None

Continued Preliminary  
Franklin Williams, Jr.

-7-

ACJIS ARREST RECORD

Prior Arrest Record:

3/30/90      Eufaula Police Department      Forgery 2nd      2 yrs. probation

Subsequent Arrest:

None

PHYSICAL AND MENTAL HEALTH

Subject states he is in good physical condition. He states he has never been treated for any mental or emotional problems. He does not admit to any addictions to drugs and/or alcohol.

PROBATION AND PAROLE OFFICER'S REMARKS

Subject does admit to these offenses but states the girls were willing. He does not see the harm done. I think maybe the sex offender class might be of some help to him. I would recommend long time incarceration.

Signed and dated at Clayton, Alabama, this the 12th day of March, 1992.

TLS/ad

Terri L. Stewart  
Terri L. Stewart  
Alabama Probation & Parole Officer

# **EXHIBIT H**

**PERSONNEL FILE OF PEGGY JEWELL SILVEY**

ME PEGGY JEWELL SILVEY EMPLOYEE #

SOCIAL SECURITY #: 548-94-2384

EMPLOYEE # \_\_\_\_\_

FH002679

Confidential

## APPLICATION TEST

Name: PEGGY (JEWELL) Silvey Date: 7-19-05

ARITHMETIC

Work each problem.

$$\begin{array}{r} 33 \\ \times 6 \\ \hline 198 \end{array} \quad \begin{array}{r} 1215 \\ -793 \\ \hline 422 \end{array} \quad \begin{array}{r} 983 \\ +729 \\ \hline 254 \end{array} \quad \begin{array}{r} 871 \\ -107 \\ \hline 764 \end{array} \quad 135 \text{ divided by } 3 = 45$$

$$\begin{array}{r} 123 \\ +593 \\ \hline 716 \end{array} \quad \begin{array}{r} 492 \\ \times 2 \\ \hline 984 \end{array} \quad \begin{array}{r} 123 \\ +593 \\ \hline 716 \end{array} \quad \begin{array}{r} 42 \\ +20 \\ \hline 62 \\ +92 \\ \hline 154 \end{array} \quad 80 \text{ divided by } 5 = 16$$

## HANDWRITING AND PRINTING:

Write two sentences on why you want to be a Bremner/Flavor House Team Member.

Write first sentence in cursive.

Print the second sentence.

I have heard you are a good and fair Comp.  
You HAVE FULL TIME work with possibility of  
OVER time.

Confidential

FH002680

H. R. PREScreenING

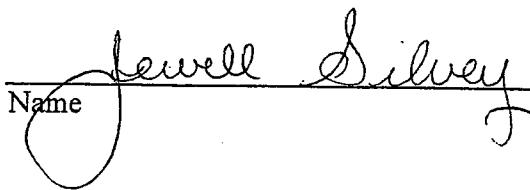
Name: Peggy (JEWELL) Silvey Date: 7-19-05

1. Are you willing to work on any shift in any position? yes
2. Are you able to work overtime? (This could include daily or weekends.) yes
3. Is there anything that would hinder you from performing manufacturing type work? No
4. Of your past jobs, which was your favorite and why? Predup, I could stay busy
5. Have you ever made a suggestion to improve something at work? Explain. Stock in Alfabica Lorde so easier to find. At Dreamers Candle
6. Describe the biggest work-related problem you have had to face. How did you handle it? With someone harassing me, Went to my supervisor who changed my dept from upstairs, to the kill floor.
7. On the average, how many workdays in a month are acceptable for an employee to miss? None
8. Why do you want to leave your current employer? Overtime when possible. I prefer full time work plus to my work.
9. Why should we hire you? I'm a very commented worker. I enjoy fast pace work that keeps me busy.
10. Have you ever received any formal disciplinary action? Explain. No
11. How many unexpected absences have you had in the last 6 months? 1
12. Name some valid reasons for being terminated from a job. disrespecting anyone, foul lang., to many absences horseplaying, Not working safely, riding a time clock

**ACKNOWLEDGEMENT OF RECEIPT**

This is to acknowledge that I have received a copy of the Nutcracker's GMP Policy and understand, that it contains important information on Nutcracker's GMP Policies and on my privileges and obligations as a employee.

I will read this manual and familiarize myself with its contents. I understand that neither this manual nor its contents create a contract of employment between the Company and myself. My employment relationship with Nutcracker is based upon the mutual consent of each employee and the Company.

  
\_\_\_\_\_  
Name

8-5-05  
\_\_\_\_\_  
Date

**Confidential**

**FH002682**

**ACKNOWLEDGEMENT OF RECEIPT**

This is to acknowledge that I have received a copy of the Flavor House Drug & Alcohol Policy and understand, that it contains important information regarding the Flavor House Drug and Alcohol Policy and Procedures and on my privileges and obligations as an employee.

I will read this policy and familiarize myself with its contents. I understand that neither this policy nor its contents create a contract of employment between the Company and me. My employment relationship with Flavor House is based upon the mutual consent of each employee and the Company.

Name

*Jewell Silvey*

Clock #

*8-4-2005*

Date

**FH002683**

**Confidential**

**ACKNOWLEDGEMENT OF RECEIPT**

This is to acknowledge that I have received a copy of the Nutcracker Attendance Policy and understand that it contains important information regarding my attendance.

I will read this policy and familiarize myself with its contents. I also understand that neither this policy nor its contents create a contract of employment between the company and me. My employment relationship with Nutcracker is based upon mutual consent of each employee and the company.

If you have any questions regarding the Nutcracker Attendance Policy, please contact your supervisor, department manager or Human Resources.

Name

*Jewell Silver*

8-4-05

Date

**Confidential**

**FH002684**

## ABSENCE REPORT

NAME Jewell Silvey NUMBER 06  
 DEPARTMENT Packaging SHIFT A  
 First Date Absent 1-5 Expected Return Date 1-6-06

## Reason for Absence:

- Illness
- Holiday
- Vacation
- Jury Duty
- Personal Time
- Suspension
- Family Death
- Leave Without Pay
- Accident on Job
- Unknown
- Family Leave Act
- \_\_\_\_\_

Explanation, if necessary

Left early issues  
with her son.

## Was Absence:

Expected in Advance

 Yes No

Reported on First Date Absent

 Yes No

Considered by Supervisor as

 Excused Unexcused

Date

1-5-06

Prepared by

Jeanne Agh

USE CARBON PAPER UNDERNEATH TO PREPARE DUPLICATE

## DOCUMENTATION FORM

Employee Name: Jewel SilveyInvestigating Supervisor: Chris Jordan Date: 3-8-06Present: Fannie AshWho was involved: Louise GreenWitness (s): None according to Jewel SilveyDate of incident: 3-8-06Where did it take place: Near Line 4 DepalletizerWhen did it take place (time and day): Not certain.

What happened: I was clearing a mess that could cause a safety hazard. Tina came out and let me know to go to break. Nicole also let me know to go to break. I finished just minutes later. What I'm upset about is Louise came out and told me if I didn't go to break now I would not get one. I was back from break before the line started running. Louise said Frank told said I would not get a break if I didn't go then.

Did this result in down time? No If yes how much? n/aDid this result in product being scrapped? If yes how much? No

Attach an additional sheet if needed for witness statements following the same format.

## DOCUMENTATION FORM

Employee Name: Louise GreenInvestigating Supervisor: Frank Hall Date: 3/8/06Present: Chris JordanWho was involved: JEWEL SILVEYWitness (s): NONEDate of incident: 3/8/06Where did it take place: LINE H DepalletizeWhen did it take place (time and day): between 11:00 and 11:30 am WED. 3/8/06

\* What happened:

today our line went down for low salt  
frank ask for everyone to go to break all  
but me, mark and tina tina said she told  
jewell to go to break and she said jewell said no.  
nicole said she ask jewell to go to break  
she also said that jewell said not i went  
back and told that frank wanted everyone  
to go to break she said she had to clean up  
for lousy id there told frank that he would have  
to tell her to go to break i did not think

Did this result in down time? Yes If yes how much? I did any thing wrong.

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the \_\_\_\_\_ format.

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FH002687

## DOCUMENTATION FORM

Employee Name: Willie NealInvestigating Supervisor: FRANK HALL Date: 3/9/06

Present: \_\_\_\_\_

Who was involved: Louise, JewellWitness (s): Willie NealDate of incident: 3/8/06Where did it take place: Depal area.When did it take place (time and day): WEDSDAY 3/8/06

What happened: I. FRANK HALL was asked by Mr. Willie Neal to write his statement down for him because he don't write to well. He was near Depal area putting cans up when Louise came to Depal and told Jewell the line was down and she needed to go to break. Tone of voice was normal and at the time Jewell was cleanup some trash from floor and Louise asked what was shedding where did trash come from? Jewell continued cleanup trash and Louise told her if she didn't go to break now she may not get a chance to go later and she turn around and walked off.

Did this result in down time? \_\_\_\_\_ If yes how much? Willie Neal 3-906

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

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FH002688

VACATION REQUEST

EMPLOYEE

Jewell Silvey

4 hrs.

DATES REQUESTED

6/21/07 - 2-8-07 From 6:45<sub>7m</sub> AM to 9:00 AM  
= Both days\*\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*\*

EMPLOYEE'S SIGNATURE

DATE 2-5-07APPROVED BY SUPERVISOR: YES  NO 

COMMENTS \_\_\_\_\_

SUPERVISOR'S SIGNATURE

DATE 2-7-07

DO NOT WRITE BELOW THIS LINE – TO BE COMPLETED BY THE HR DEPT. ONLY  
\*\*\*\*\*  
*THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT*

DATE OF HIRE \_\_\_\_\_

ELIGIBLE FOR 48 HOURSVERIFIED BY PDATE 2/12/07

Confidential

FH002689

## VACATION REQUEST

EMPLOYEE Jewell Silver

DATES REQUESTED Nov. 27<sup>th</sup>, 2006

\*\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*\*

EMPLOYEE'S SIGNATURE Jewell Silver

DATE Nov. 9<sup>th</sup>, 2006

APPROVED BY SUPERVISOR: YES  NO

COMMENTS \_\_\_\_\_

SUPERVISOR'S SIGNATURE  


DATE 11-20-07

DO NOT WRITE BELOW THIS LINE – TO BE COMPLETED BY THE HR DEPT. ONLY

\*\*\*\*\*

*THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT*

DATE OF HIRE \_\_\_\_\_

ELIGIBLE FOR 1.03 HOURS

VERIFIED BY P

DATE 11/29/06

*In error, was not posted on Vacation Sheet until 11/6/06*

## VACATION REQUEST

EMPLOYEE

Jewell Silvey

DATES REQUESTED

10-30-06

\*\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*\*

EMPLOYEE'S SIGNATURE

DATE 10-27-06

APPROVED BY SUPERVISOR: YES  NO

COMMENTS \_\_\_\_\_

SUPERVISOR'S SIGNATURE

Er

DATE 10-27-06

DO NOT WRITE BELOW THIS LINE - TO BE COMPLETED BY THE HR DEPT. ONLY

\*\*\*\*\*

*THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT*

DATE OF HIRE \_\_\_\_\_

ELIGIBLE FOR 17.03 HOURS

VERIFIED BY 11/6/06

DATE ✓

FH002691

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**PAYROLL DEDUCTION**  
**AUTHORIZATION FORM**

Name:

Jewell Silvey

SSN: 548-94-2384

Total Amount: \$8.10

\$10.80

\*\* Initials: JS

Reason for Deduction: Happy Feet shoe inserts

I hereby authorize Nutcracker Brands Inc. (a subsidiary of Ralcorp) to deduct the amount listed above from my paycheck in accordance with Nutcracker Brands Inc. Operating 1.05.00. I further acknowledge that I have read and understand the deduction process as outlined in Operating standard 1.05.00. \*\* The employee will initial and verify the total cost adjusted for freight, handling & other costs after the invoice is received.

Date:

8/23/06

Signature:

Jewell Silvey

FH002692

Confidential

## EMPLOYEE STATUS CHANGE

Please check applicable box

|   |  |                                      |   |   |
|---|--|--------------------------------------|---|---|
| <input type="checkbox"/> New Hire           | <input type="checkbox"/> Certification | <input type="checkbox"/> Promotion   | <input type="checkbox"/> Salary Adjustment  | <input type="checkbox"/> Other _____      |
| <input type="checkbox"/> Transfer (Lateral) |  | <input type="checkbox"/> Termination | <input type="checkbox"/> Title/Grade Change | <input type="checkbox"/> Leave of Absence |

Effective Date of this Action:

7/5/06

New Department Salary Account No.:

|  |   |   |  |
|--|---|---|--|
| Employee Name (Last)<br><i>Silkey</i>  |   | First<br><i>Jewell</i>  | Middle   |
| <b>CURRENT STATUS</b>  | Job Title<br><i>Sanitation Att'd.</i>   | Grade   | Department<br><i>Sanitation</i>  |
|  | <input type="checkbox"/> Exempt<br><input checked="" type="checkbox"/> Non Exempt | <input checked="" type="checkbox"/> F/T Regular<br><input type="checkbox"/> P/T Regular | <input type="checkbox"/> Temporary   |
| <b>NEW STATUS</b>  | Job Title<br><i>Gen. Labor</i>  | Grade   | Department<br><i>Production</i>  |
|  | <input type="checkbox"/> Exempt<br><input checked="" type="checkbox"/> Non Exempt | <input checked="" type="checkbox"/> F/T Regular<br><input type="checkbox"/> P/T Regular | <input type="checkbox"/> Temporary   |
| <b>Salary Adjustment</b>   |   |   |  |
| Current Salary Range   |   |   |  |
| Minimum  |   | Midpoint  | Maximum  |
|  |   |   |  |
| <b>Current Salary (or Salary for New Employee)</b>                               |   | <b>Amount of Change</b>   | <b>Percentage</b>  |
| Per Month \$ _____<br>Per Year \$ _____<br>Hourly (if Applicable) \$ <i>9.68</i> |   | Per Month \$ _____<br>Per Year \$ _____<br>Hourly (if Applicable) \$ _____              | Merit _____ %<br>Promotional _____ %<br>Per Month \$ _____<br>Per Year \$ _____<br>Hourly (if Applicable) \$ <i>8.24</i> |
| <b>Termination</b>   |   | <b>Reason for Separation</b>  |  |
| <input type="checkbox"/> Voluntary<br><input type="checkbox"/> Involuntary       |   | <input type="checkbox"/> Last Day Worked  |  |
| <b>Comments</b><br><i>Self disqualification</i>                                  |   |   |  |
| <b>Approval:</b>   |   |   |  |
| <b>Requesting Department Manager/Date</b>  |   | <b>Department Head/Date</b>   | <b>Corporate Officer/Date</b>  |

Human Resources Use Only - Do Not Complete This Section

|  |  |                            |  |                            |                    |
|--|--|----------------------------|--|----------------------------|--------------------|
| Social Security No.  | Job Number   |                            | EEO Code - Job Group   | Census Code                | Department Name    |
| Company # / Floor #  | Source Code  | W/C Code                   | Rate Code<br>H <input type="checkbox"/> M <input type="checkbox"/> | Job Posting #              | Replaced           |
| Separation Pay<br><input type="checkbox"/> Y<br><input type="checkbox"/> N | Vacation Pay<br><input type="checkbox"/> Y<br><input type="checkbox"/> N |                            | Term Code  | Last Day Paid              | Payroll Entry Date |
| <i>Coming Soon 7/9/06</i>  |  | FH002693                   |  | Confidential               |                    |
| H.R. Manager Approvals/ Date   |  | Compensation Analyst/ Date |  | H.R. Data Specialist/ Date |                    |

I have received the Nutcracker GMP (Good Manufacturing Practices) training, and understand what is expected of me.

I have received the Nutcracker Allergen training, and understand what is expected of me.

Date 28 June 2006 Signed Jewell Silver  
Printed Name JEWELL SILVER

**FH002694**

**Confidential**

## ABSENTEEISM WARNING NOTICE

TO: Jewell Silvey

DATE: 0720/06

DATES & REASON:

**ABSENT:** 07/17/06, 06/13/06, 05/05/06, 04/25/06,

**TARDY:**

**LEFT EARLY:** 03/08/06, 01/05/06

ACTION TAKEN:

VERBAL WARNING (5 OCCURENCES) (5 1/2 points)

WRITTEN WARNING (7 OCCURENCES)

FINAL WARNING (8 OCCURENCES)

TERMINATION (9 OCCURENCES)

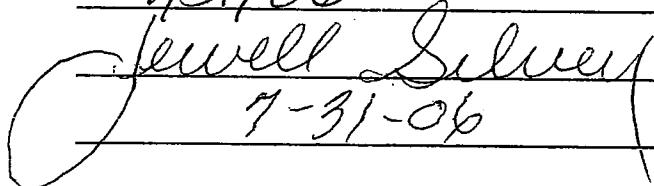
SUPERVISORS SIGNATURE

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE

7/31/06

EMPLOYEES SIGNATURE

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE

7-31-06

FH002695

Confidential

| <b>ABSENCE REPORT</b>   |                              |   |  |
|---|------------------------------|---|--|
| NAME  | <u>Scwell Silvey</u>         | NUMBER  |  |
| DEPARTMENT  | <u>Production Packagings</u> |   |  |
| SHIFT   | <u>A</u>                     |   |  |
| First Date Absent   | <u>7/17/06</u>               | Expected Return Date  | <u>7/18/06</u>                         |
| <b>Reason for Absence:</b>  |                              |   |  |
| <input type="checkbox"/> Illness<br><input type="checkbox"/> Vacation<br><input type="checkbox"/> Personal Time<br><input type="checkbox"/> Family Death<br><input type="checkbox"/> Accident on Job<br><input type="checkbox"/> Family Leave Act |                              | <input type="checkbox"/> Holiday<br><input type="checkbox"/> Jury Duty<br><input type="checkbox"/> Suspension<br><input type="checkbox"/> Leave Without Pay<br><input type="checkbox"/> Unknown<br><input type="checkbox"/> |  |
| Explanation, if necessary <u>Absent</u>   |                              |   |  |
| <b>Was Absence:</b>   |                              |   |  |
| Expected in Advance   |                              | <input type="checkbox"/> Yes  | <input checked="" type="checkbox"/> No |
| Reported on First Date Absent   |                              | <input type="checkbox"/> Yes  | <input type="checkbox"/> No            |
| Considered by Supervisor as   |                              | <input type="checkbox"/> Excused  | <input type="checkbox"/> Unexcused     |
| Date  | <u>7/17/06</u>               | Prepared by <u>J. Hall</u>  |  |
| USE CARBON PAPER UNDERNEATH TO PREPARE DUPLICATE  |                              |   |  |

| <b>ABSENCE REPORT</b>   |                      |   |   |
|---|----------------------|---|---|
| NAME  | <u>Silvey Jewell</u> | NUMBER                                  |   |
| DEPARTMENT  | <u>Sanitation</u>    | SHIFT                                   | <u>3rd</u>                                    |
| First Date Absent   | <u>13 June 06</u>    | Expected Return Date                    | <u>14 June 06</u>                             |
| Reason for Absence:   |                      |   |   |
| <input checked="" type="checkbox"/> Illness <input type="checkbox"/> Holiday<br><input type="checkbox"/> Vacation <input type="checkbox"/> Jury Duty<br><input type="checkbox"/> Personal Time <input type="checkbox"/> Suspension<br><input type="checkbox"/> Family Death <input type="checkbox"/> Leave Without Pay<br><input type="checkbox"/> Accident on Job <input type="checkbox"/> Unknown<br><input type="checkbox"/> Family Leave Act <input type="checkbox"/> |                      |   |   |
| Explanation, if necessary   |                      |   |   |
| <hr/> <hr/> <hr/>   |                      |   |   |
| Was Absence:  |                      |   |   |
| Expected in Advance   |                      | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No        |
| Reported on First Date Absent   |                      | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No                   |
| Considered by Supervisor as   |                      | <input type="checkbox"/> Excused        | <input checked="" type="checkbox"/> Unexcused |
| Date  | <u>14 June 06</u>    | Prepared by                             | <u>[Signature]</u>                            |
| USE CARBON PAPER UNDERNEATH TO PREPARE DUPLICATE  |                      |   |   |

Please check applicable box

|  |  |                                      |   |   |
|--|--|--------------------------------------|---|---|
| <input type="checkbox"/> New Hire                      | <input type="checkbox"/> Certification | <input type="checkbox"/> Promotion   | <input type="checkbox"/> Salary Adjustment  | <input type="checkbox"/> Other _____      |
| <input checked="" type="checkbox"/> Transfer (Lateral) |  | <input type="checkbox"/> Termination | <input type="checkbox"/> Title/Grade Change | <input type="checkbox"/> Leave of Absence |

Effective Date of this Action:

6/15/06

New Department Salary Account No.:

|  |   |   |  |
|--|---|---|--|
| Employee Name (Last)<br><i>Silvey</i>  |   | First<br><i>Jewell</i>  | Middle   |
| <b>CURRENT STATUS</b>  | Job Title<br><i>Sanitation Attld.</i>   | Grade   | Department<br><i>Sanitation - 2<sup>nd</sup> Shift</i> |
|  | <input type="checkbox"/> Exempt<br><input checked="" type="checkbox"/> Non Exempt | <input checked="" type="checkbox"/> F/T Regular<br><input type="checkbox"/> P/T Regular | <input type="checkbox"/> Temporary                     |
| <b>NEW STATUS</b>  | Job Title<br><i>Temporary Sanitation Attld.</i>                                   | Grade   | Department<br><i>Sanitation - 1<sup>st</sup> Shift</i> |
|  | <input type="checkbox"/> Exempt<br><input checked="" type="checkbox"/> Non Exempt | <input checked="" type="checkbox"/> F/T Regular<br><input type="checkbox"/> P/T Regular | <input type="checkbox"/> Temporary                     |
| <b>Salary Adjustment</b>   |   |   |  |
| Current Salary Range   |   |   |  |
| Minimum  |   | Midpoint  | Maximum  |
|  |   |   |  |
| Current Salary (or Salary for New Employee)  |   | Amount of Change  | Percentage   |
| Per Month \$ _____   |   | Per Month \$ _____  | Merit _____ %  |
| Per Year \$ _____  |   | Per Year \$ _____   | Promotional _____ %                                    |
| Hourly (if Applicable) \$ _____  |   | Hourly (if Applicable) \$ _____   | Hourly (if Applicable) \$ _____                        |
| <b>Termination</b>   |   | Reason for Separation   |  |
| <input type="checkbox"/> Voluntary<br><input type="checkbox"/> Involuntary   |   |   |  |
|  |   | Last Day Worked   |  |
| <b>Comments</b> <i>ee self-disqualified from 2<sup>nd</sup> shift Sanitation Attend. We will place ee in "temp" 1<sup>st</sup> shift Sanitation position and she will return to General Labor when temp. assign. ends.</i> |   |   |  |
| <b>Approval:</b>   |   |   |  |
| Requesting Department Manager/Date   |   | Department Head/Date  |  |
|  |   | Corporate Officer/Date  |  |

Human Resources Use Only - Do Not Complete This Section

|  |  |                            |                      |                            |                    |
|--|--|----------------------------|----------------------|----------------------------|--------------------|
| Social Security No.  | Job Number   |                            | EEO Code - Job Group | Census Code                | Department Name    |
| Company # / Floor #  | Source Code  | W/C Code                   | Rate Code            | Job Posting #              | Replaced           |
| Separation Pay<br><input type="checkbox"/> Y<br><input type="checkbox"/> N | Vacation Pay<br><input type="checkbox"/> Y<br><input type="checkbox"/> N |                            | Term Code            | Last Day Paid              | Payroll Entry Date |
| <i>Tonya Nam 6/2/06</i>  |  | FH002698                   |                      | Confidential               |                    |
| H.R. Manager Approvals/ Date   |  | Compensation Analyst/ Date |                      | H.R. Data Specialist/ Date |                    |

## VACATION REQUEST

EMPLOYEE

Jewell Silvey

DATES REQUESTED

June 3rd / June 5th 2006  
Worked

\*\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*\*

EMPLOYEE'S SIGNATURE

May 8th, 2006

APPROVED BY SUPERVISOR: YES  NO

COMMENTS My Dad is getting  
Married

SUPERVISOR'S SIGNATURE

DATE 15 May 2006

DO NOT WRITE BELOW THIS LINE - TO BE COMPLETED BY THE HR DEPT. ONLY

\*\*\*\*\*

THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT

DATE OF HIRE \_\_\_\_\_

ELIGIBLE FOR 25.03 HOURS

VERIFIED BY V

DATE 5/30/06

FH002699

Confidential

# **EMERGENCY VACATION REQUEST**

**EMPLOYEE** Jewell Silvey

**DATES REQUESTED** 25 May 2005

~~\*\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*\*~~

**EMPLOYEE'S SIGNATURE**

**DATE** 2nd June 2004

**APPROVED BY SUPERVISOR: YES  NO**

**COMMENTS** sick

**SUPERVISOR'S SIGNATURE**

**DATE** 25 May 2006

**DO NOT WRITE BELOW THIS LINE – TO BE COMPLETED BY THE HR DEPT. ONLY.**

**THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT**

**DATE OF HIRE**

**ELIGIBLE FOR      33.03      HOURS**

**VERIFIED BY** P

DATE 5/26/06

DATE 5/26/06

DATE 5/26/06

FH002700

Confidential

I would like to disqualify from  
selection to bid on a day shift job  
do to personal reasons.

5/30/06

Jewell Silver

FH002701

Confidential

| <b>ABSENCE REPORT</b>                             |  |
|---|--|
| NAME <u>Jewell</u>                                | NUMBER _____   |
| DEPARTMENT <u>Sanitation</u>                      | SHIFT <u>2nd</u>   |
| First Date Absent <u>05 May 06</u>                | Expected Return Date <u>08 May 06</u>  |
| Reason for Absence:                               |  |
| <input checked="" type="checkbox"/> Illness       | <input type="checkbox"/> Holiday   |
| <input type="checkbox"/> Vacation                 | <input type="checkbox"/> Jury Duty   |
| <input type="checkbox"/> Personal Time            | <input type="checkbox"/> Suspension  |
| <input type="checkbox"/> Family Death             | <input type="checkbox"/> Leave Without Pay                                     |
| <input type="checkbox"/> Accident on Job          | <input type="checkbox"/> Unknown   |
| <input type="checkbox"/> Family Leave Act         | <input type="checkbox"/> _____   |
| Explanation, if necessary _____<br>_____<br>_____ |  |
| Was Absence:                                      |  |
| Expected in Advance                               | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No            |
| Reported on First Date Absent                     | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No            |
| Considered by Supervisor as                       | <input type="checkbox"/> Excused <input checked="" type="checkbox"/> Unexcused |
| Date <u>05 May 2006</u>                           | Prepared by <u>Z</u>   |
| USE CARBON PAPER UNDERNEATH TO PREPARE DUPLICATE  |  |

FH002702

Confidential

| <b>ABSENCE REPORT</b>                               |  |
|---|--|
| NAME: <u>Terry M. Salas</u>                         | NUMBER: _____  |
| DEPARTMENT: <u>Sandblasting</u>                     | SHIFT: _____   |
| First Date Absent: <u>5/5/06</u>                    | Expected Return Date: _____  |
| <b>Reason for Absence:</b>                          |  |
| <input checked="" type="checkbox"/> Illness         | <input type="checkbox"/> Holiday   |
| <input type="checkbox"/> Vacation                   | <input type="checkbox"/> Jury Duty   |
| <input type="checkbox"/> Personal Time              | <input type="checkbox"/> Suspension  |
| <input type="checkbox"/> Family Death               | <input type="checkbox"/> Leave Without Pay                                     |
| <input type="checkbox"/> Accident on Job            | <input type="checkbox"/> Unknown   |
| <input type="checkbox"/> Family Leave Act           | <input type="checkbox"/> _____   |
| Explanation, if necessary: <u>Collected in Salt</u> |  |
| <b>Was Absence:</b>                                 |  |
| Expected in Advance                                 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No            |
| Reported on First Date Absent                       | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No            |
| Considered by Supervisor as                         | <input type="checkbox"/> Excused <input checked="" type="checkbox"/> Unexcused |
| Date <u>5/8/06</u>                                  | Prepared by <u>JM</u>  |
| USE CARBON PAPER UNDERNEATH TO PREPARE DUPLICATE    |  |

## EMPLOYEE STATUS CHANGE

Please check applicable box

 New Hire  
 Transfer (Lateral)

 Certification

 Promotion  
 Termination

 Salary Adjustment  
 Title/Grade Change

 Other \_\_\_\_\_  
 Leave of Absence \_\_\_\_\_

Effective Date of this Action:

5-1-08

New Department Salary Account No.:

|  |  |   |   |                                       |
|--|--|---|---|---------------------------------------|
| CURRENT STATUS   | Employee Name (Last)                                     |   | First   | Middle                                |
|  | <i>Silvey</i>  | <i>Jewell</i>                                   |   |                                       |
| NEW STATUS   | Job Title  | Grade   | Department  | Location                              |
|  | <i>Gen. Labor</i>  |   | <i>Production</i>                                     |                                       |
|  | <input type="checkbox"/> Exempt                          | <input checked="" type="checkbox"/> F/T Regular | <input type="checkbox"/> Temporary                    |                                       |
|  | <input checked="" type="checkbox"/> Non Exempt           | <input type="checkbox"/> P/T Regular            |   |                                       |
|  | Job Title  | Grade   | Department  | Location                              |
|  | <i>Sanitation Att.</i>                                   |   | <i>Sanitation</i>                                     |                                       |
|  | <input type="checkbox"/> Exempt                          | <input checked="" type="checkbox"/> F/T Regular | <input type="checkbox"/> Temporary                    |                                       |
|  | <input checked="" type="checkbox"/> Non Exempt           | <input type="checkbox"/> P/T Regular            |   |                                       |
| <b>Salary Adjustment</b>                                       |  |   |   |                                       |
| Current Salary Range   |  |   |   |                                       |
| Minimum  |  | Midpoint  | Maximum   |                                       |
|  |  |   |   |                                       |
| Current Salary (or Salary for New Employee)                    |  | Amount of Change                                | Percentage  | New Salary                            |
| Per Month \$   |  | Per Month \$                                    | Merit %   | Per Month \$                          |
| Per Year \$  |  | Per Year \$                                     | Promotional %   | Per Year \$                           |
| Hourly (if Applicable) \$ <i>8.24</i>                          |  | Hourly (if Applicable) \$                       |   | Hourly (if Applicable) \$ <i>9.68</i> |
| <b>Termination</b>   |  |   |   |                                       |
| Reason for Separation  |  |   |   |                                       |
| <input type="checkbox"/> Voluntary                             |  |   |   | Last Day Worked                       |
| <input type="checkbox"/> Involuntary                           |  |   |   |                                       |
| <b>Comments</b>  |  |   |   |                                       |
| <i>Job Bid<br/>ee trans. to 2nd Shift Sanitation</i>           |  |   |   |                                       |
| <b>Approval:</b>   |  |   |   |                                       |
| Requesting Department Manager/Date                             |  | Department Head/Date                            | Corporate Officer/Date                                |                                       |
| <b>Human Resources Use Only - Do Not Complete This Section</b> |  |   |   |                                       |
| Social Security No.  | Job Number   |   | EEO Code - Job Group                                  | Census Code                           |
| Company # / Floor #  | Source Code  | W/C Code  | Rate Code   | Job Posting #                         |
| Separation Pay   | Vacation Pay   |   | H <input type="checkbox"/> M <input type="checkbox"/> | Replaced                              |
| <input type="checkbox"/> Y<br><input type="checkbox"/> N       | <input type="checkbox"/> Y<br><input type="checkbox"/> N |   | Term Code   | Last Day Paid                         |
| <i>Tammy Nam 4/28/08</i>                                       |  | FH002704  |   |                                       |
| H.R. Manager Approvals/ Date                                   |  | Compensation Analyst/Date                       |   | H.R. Data Sp... Date                  |
| <i>Confidential</i>  |  |   |   |                                       |

| <b>ABSENCE REPORT</b>                            |  |                                    |
|--|--|------------------------------------|
| NAME <u>Jewell Silvey</u>                        | NUMBER _____                               |                                    |
| DEPARTMENT <u>Packaging</u>                      | SHIFT <u>A</u>                             |                                    |
| First Date Absent <u>4-25-06</u>                 | Expected Return Date _____                 |                                    |
| Reason for Absence:                              |  |                                    |
| <input checked="" type="checkbox"/> Illness      | <input type="checkbox"/> Holiday           |                                    |
| <input type="checkbox"/> Vacation                | <input type="checkbox"/> Jury Duty         |                                    |
| <input type="checkbox"/> Personal Time           | <input type="checkbox"/> Suspension        |                                    |
| <input type="checkbox"/> Family Death            | <input type="checkbox"/> Leave Without Pay |                                    |
| <input type="checkbox"/> Accident on Job         | <input type="checkbox"/> Unknown           |                                    |
| <input type="checkbox"/> Family Leave Act        | <input type="checkbox"/> _____             |                                    |
| Explanation, if necessary <u>Suburn</u>          |  |                                    |
|  |  |                                    |
|  |  |                                    |
| Was Absence:                                     |  |                                    |
| Expected in Advance                              | <input type="checkbox"/> Yes               | <input type="checkbox"/> No        |
| Reported on First Date Absent                    | <input type="checkbox"/> Yes               | <input type="checkbox"/> No        |
| Considered by Supervisor as                      | <input type="checkbox"/> Excused           | <input type="checkbox"/> Unexcused |
| Date <u>4-26-06</u>                              | Prepared by <u>CDK</u>                     |                                    |
| USE CARBON PAPER UNDERNEATH TO PREPARE DUPLICATE |  |                                    |

6,97

## EMERGENCY VACATION REQUEST

EMPLOYEE Jewell Silver

DATES REQUESTED 4-24-06

\*\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*\*

EMPLOYEE'S SIGNATURE Jewell Silver

DATE 4-24-06

APPROVED BY SUPERVISOR: YES    NO   

COMMENTS Very Very Bad Sunburn

that's making me sick to my stomach

SUPERVISOR'S SIGNATURE

CDJ

DATE 4-25-06

DO NOT WRITE BELOW THIS LINE – TO BE COMPLETED BY THE HR DEPT. ONLY

\*\*\*\*\*

*THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT*

DATE OF HIRE \_\_\_\_\_

ELIGIBLE FOR 32 HOURS

VERIFIED BY P

DATE 4/26/06

FH002706

Confidential

## VACATION REQUEST

EMPLOYEE

Jewell Selvey

DATES REQUESTED

March 24<sup>th</sup> 2006

\*\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*\*

EMPLOYEE'S SIGNATURE

Jewell Selvey

DATE

March 24<sup>th</sup>, 2006

APPROVED BY SUPERVISOR: YES  NO

COMMENTS

40

p

3/22/06

SUPERVISOR'S SIGNATURE

CRJ

DATE

3-20-06

DO NOT WRITE BELOW THIS LINE - TO BE COMPLETED BY THE HR DEPT. ONLY

\*\*\*\*\*

*THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT*

FH002707

Confidential



### HR Information - New Hire/Changes

This form is to be completed by the employee and returned to HR for any of the following activities:

- New Hire
- Rehire
- Employee Information Change
- Transfer between Locations

|  |   |   |                     |  |
|--|---|---|---------------------|--|
| Social Security Number   | Effective Date  | Employee Number   | Company             | Company Name   |
| 548942384  |   |   |                     |  |
| Last Name  | First Name  | Middle Initial  |                     |  |
| SILVEY   | PEGGY   | SEWELL  |                     |  |
| Street   |   |   |                     |  |
|  |   |   |                     |  |
| Supplemental Address   |   |   |                     |  |
|  |   |   |                     |  |
| City   | State   | Zip Code  | Date of Birth       | Sex  |
|  |   |   |                     | Male <input type="checkbox"/><br>Female <input type="checkbox"/> |
| Home Telephone   | Work Telephone  | Maiden Name/Previous Name   |                     |  |
|  |   |   |                     |  |
| Emergency Contact Name   |   | Relationship  | Emergency Telephone |  |
|  |   |   |                     |  |
| Street   | City  | State   | Zip Code            |  |
|  |   |   |                     |  |
| Ethnicity  | Marital Status  | Veteran Status  |                     |  |
| <input type="checkbox"/> White<br><input type="checkbox"/> Black<br><input type="checkbox"/> Hispanic<br><input type="checkbox"/> Asian/Pacific Islander<br><input type="checkbox"/> American Indian/Alaska Native | <input type="checkbox"/> Single<br><input type="checkbox"/> Married | Please Select all that apply<br><input type="checkbox"/> V - Vietnam Veteran<br><input type="checkbox"/> S - Special Disabled - Veteran<br><input type="checkbox"/> P - Other Protected Veteran |                     |  |

v, 2002

FH002708

Confidential

| <b>ABSENCE REPORT</b>   |   |
|---|---|
| NAME  | <u>JEWELL SILVEY</u>  |
| NUMBER  |   |
| DEPARTMENT  | <u>Production Packaging</u>   |
| SHIFT   | <u>A</u>  |
| First Date Absent   | <u>3/8/06</u>   |
| Expected Return Date  | <u>3/9/06</u>   |
| Reason for Absence:   |   |
| <input type="checkbox"/> Illness  | <input type="checkbox"/> Holiday                                    |
| <input type="checkbox"/> Vacation   | <input type="checkbox"/> Jury Duty                                  |
| <input type="checkbox"/> Personal Time  | <input type="checkbox"/> Suspension                                 |
| <input type="checkbox"/> Family Death   | <input type="checkbox"/> Leave Without Pay                          |
| <input type="checkbox"/> Accident on Job  | <input type="checkbox"/> Unknown                                    |
| <input type="checkbox"/> Family Leave Act   | <input type="checkbox"/> _____                                      |
| Explanation, if necessary <u>Jewell got upset with another employee and she told me she was leaving. I talk to her tried to get her to stay but she left at 11:45am</u> |   |
| Was Absence:  |   |
| Expected in Advance   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Reported on First Date Absent   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Considered by Supervisor as   | <input type="checkbox"/> Excused <input type="checkbox"/> Unexcused |
| Date <u>3/9/06</u>  | Prepared by <u>Frank Hall</u>                                       |
| USE CARBON PAPER UNDERNEATH TO PREPARE DUPLICATE  |   |

**ASSOCIATE ACKNOWLEDGMENT FORM**

The Associate handbook describes important information about the Company, and I understand that I should consult the Human Resource Manager regarding any questions not answered in the handbook. I have entered into my employment voluntarily and acknowledge that there is no specified length of employment. Accordingly, either the Company or I can terminate the relationship at will, with or without cause, at any time, with or without notice.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Management has the ability to adopt any revisions to the policies in this handbook.

I also acknowledge that this handbook, a copy of which I have received, does not create or constitute a contract of employment. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

Jewell Silvey  
ASSOCIATE'S SIGNATURE

01-10-07  
DATE

Jewell Silvey  
ASSOCIATE'S NAME (TYPED OR PRINTED)

*Confidential*

FH002710

## Absence Report

|                   |              |                      |         |
|-------------------|--------------|----------------------|---------|
| Name              | Jewel Silvey | Number               |         |
| Department        | Packaging    | Shift                | 1 ST    |
| First Date Absent | 10-01-07     | Expected Return Date | 10-2-07 |

Reason For Absence

- |   |  |
|---|--|
| <input type="checkbox"/> Illness          | <input type="checkbox"/> Holiday           |
| <input type="checkbox"/> Vacation         | <input type="checkbox"/> Jury Duty         |
| <input type="checkbox"/> Personal Time    | <input type="checkbox"/> Suspension        |
| <input type="checkbox"/> Family Death     | <input type="checkbox"/> Leave Without Pay |
| <input type="checkbox"/> Accident on Job  | <input type="checkbox"/> Unknown           |
| <input type="checkbox"/> Family Leave Act | <input type="checkbox"/> _____             |

Explanation if necessary : Brother in Hospital

Was Absence :

|                               |                                  |                                    |
|-------------------------------|----------------------------------|------------------------------------|
| Expected in Advance           | <input type="checkbox"/> Yes     | X No                               |
| Reported on First Date Absent | X Yes                            | <input type="checkbox"/> No        |
| Considered by supervisor as   | <input type="checkbox"/> Excused | <input type="checkbox"/> Unexcused |

Date : 10-3-07

Prepared by : Eugene Andrews

FH002711

**Confidential**

## Absence Report

|                   |               |                              |
|-------------------|---------------|------------------------------|
| Name              | Jewell Silvey | Number                       |
| Department        | Packaging     | Shift                        |
| First Date Absent | 9-15-07       | Expected Return Date 9-17-07 |

Reason For Absence

- Illness
- Vacation
- Personal Time
- Family Death
- Accident on Job
- Family Leave Act

- Holiday
- Jury Duty
- Suspension
- Leave Without Pay
- Unknown
- \_\_\_\_\_

Explanation if necessary : Arm Hurting

Was Absence :

Expected in Advance  
Reported on First Date Absent  
Considered by supervisor as

Yes      X No  
X Yes       No  
 Excused       Unexcused

Date : 9-15-07

Prepared by : Eugene Andrews

FH002712

Confidential

## Vacation Request

Employee JEWELL SILVEY

Dates Requested 7-30-07

\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*

Employee's Signature Jewell Silvey

Date 7-25-07

Approved by supervisor: Yes  No

Comments My Son has court

Supervisor's Signature Cej

Date 7-25-07

DO NOT WRITE BELOW THIS LINE - TO BE COMPLETED BY THE HR DEPARTMENT ONLY

-----  
THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT

DATE OF HIRE \_\_\_\_\_

ELIGIBLE FOR 24 HOURS

VERIFIED BY \_\_\_\_\_

DATE \_\_\_\_\_

WHITE - EMPLOYER

CANARY - EMPLOYEE

Confidential

FH002713

## Absence Report

|                   |               |                      |         |
|-------------------|---------------|----------------------|---------|
| Name              | Jewell Silvey | Number               |         |
| Department        | Packaging     | Shift                | 1 st    |
| First Date Absent | 7-13-07       | Expected Return Date | 7-16-07 |

Reason For Absence

- Illness
- Vacation
- Personal Time
- Family Death
- Accident on Job
- Family Leave Act

Explanation if necessary : Sick

- Holiday
- Jury Duty
- Suspension
- Leave Without Pay
- Unknown
- \_\_\_\_\_

Was Absence :

Expected in Advance  
Reported on First Date Absent  
Considered by supervisor as

- Yes      X No
- X Yes       No
- Excused       Unexcused

Date : 7-13-07

Prepared by : Eugene Andrews

*FH002714*

**Confidential**

## VACATION REQUEST

EMPLOYEE

Jewell Silvey

4 hrs

DATES REQUESTED

6-11-07 morning 1/3 day

\*\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*\*

EMPLOYEE'S SIGNATURE

DATE 6-7-07

APPROVED BY SUPERVISOR: YES  NO

COMMENTS \_\_\_\_\_

SUPERVISOR'S SIGNATURE

DATE 6-7-07

DO NOT WRITE BELOW THIS LINE - TO BE COMPLETED BY THE HR DEPT. ONLY

\*\*\*\*\*

*THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT*

DATE OF HIRE \_\_\_\_\_

ELIGIBLE FOR 28 HOURS

VERIFIED BY P

DATE 6/15/07

FH002715

Confidential

## Absence Report

|                   |               |                      |         |
|-------------------|---------------|----------------------|---------|
| Name              | Jewell Silvey | Number               |         |
| Department        | Packing       | Shift                | 1 ST    |
| First Date Absent | 6-8-07        | Expected Return Date | 6-11-07 |

Reason For Absence

- |   |  |
|---|--|
| <input type="checkbox"/> Illness          | <input type="checkbox"/> Holiday           |
| <input type="checkbox"/> Vacation         | <input type="checkbox"/> Jury Duty         |
| <input type="checkbox"/> Personal Time    | <input type="checkbox"/> Suspension        |
| <input type="checkbox"/> Family Death     | <input type="checkbox"/> Leave Without Pay |
| <input type="checkbox"/> Accident on Job  | <input type="checkbox"/> Unknown           |
| <input type="checkbox"/> Family Leave Act | <input type="checkbox"/> _____             |

Explanation if necessary : Arm Hurting

Was Absence :

|                               |                                  |                                    |
|-------------------------------|----------------------------------|------------------------------------|
| Expected in Advance           | <input type="checkbox"/> Yes     | X No                               |
| Reported on First Date Absent | X Yes                            | <input type="checkbox"/> No        |
| Considered by supervisor as   | <input type="checkbox"/> Excused | <input type="checkbox"/> Unexcused |

Date : 6-8-07

Prepared by : Eugene Andrews

**FH002716**

**Confidential**

## Absence Report

|                   |               |                      |        |
|-------------------|---------------|----------------------|--------|
| Name              | Jewell Silvey | Number               |        |
| Department        | Packaging     | Shift                | 1 ST   |
| First Date Absent | 6-1-07        | Expected Return Date | 6-2-07 |

Reason For Absence

- |   |  |
|---|--|
| <input type="checkbox"/> Illness          | <input type="checkbox"/> Holiday           |
| <input type="checkbox"/> Vacation         | <input type="checkbox"/> Jury Duty         |
| <input type="checkbox"/> Personal Time    | <input type="checkbox"/> Suspension        |
| <input type="checkbox"/> Family Death     | <input type="checkbox"/> Leave Without Pay |
| <input type="checkbox"/> Accident on Job  | <input type="checkbox"/> Unknown           |
| <input type="checkbox"/> Family Leave Act | <input type="checkbox"/>                   |

Explanation if necessary : Arm Hurtting

Was Absence :

- |                               |                                  |                                    |
|-------------------------------|----------------------------------|------------------------------------|
| Expected in Advance           | <input type="checkbox"/> Yes     | X No                               |
| Reported on First Date Absent | X Yes                            | <input type="checkbox"/> No        |
| Considered by supervisor as   | <input type="checkbox"/> Excused | <input type="checkbox"/> Unexcused |

Date : 6-1-07

Prepared by : Eugene Andrews

FH002717

Confidential

## VACATION REQUEST

EMPLOYEE

Jewell Silver

DATES REQUESTED

5-18-07

\*\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*\*

EMPLOYEE'S SIGNATURE

DATE 5-14-07

APPROVED BY SUPERVISOR: YES  NO

COMMENTS \_\_\_\_\_

SUPERVISOR'S SIGNATURE

DATE 5-14-07

DO NOT WRITE BELOW THIS LINE - TO BE COMPLETED BY THE HR DEPT. ONLY

\*\*\*\*\*

*THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT*

DATE OF HIRE \_\_\_\_\_

ELIGIBLE FOR 36 HOURS

VERIFIED BY P

DATE 5/21/07

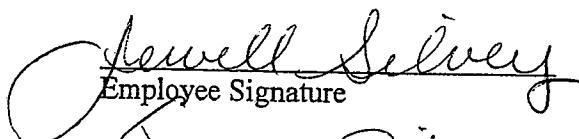
FH002718

Confidential

Please read the following statements:

- Cleaning – the lines are looking better but we need to keep improving.
- Red containers should be used for waste. If a box is being used for waste it must have an orange ATTENTION tag on the side of the box with waste written on the tag.
- Brooms, squeegees and shovels should be kept in the red containers.
- All good product containers should be on dollies
- Filler doors must be shut while the machine is running
- Stackers – keep all empty card board rolls and trash picked up and thrown away from shrink wrap machine
- Stackers – keep excess melted shrink wrap off belt of shrink wrap machine (belt cost \$100.00 per foot to be replaced)
- AIB Violation – nothing should be placed on the white lines at any time (if a pallet is sitting on the white line call a fork lift driver to have it moved)

I understand that failure to follow these guidelines will result in disciplinary action up to and including termination.

  
Employee Signature

  
Name (Print)

5-16-07  
Date

FH002719

Confidential

Please read the following statements:

- Quality! Quality! Quality! We must concentrate on producing our cases with as few mistakes as possible. We are doing better but we must keep improving.
- During changeovers all containers and trays must be removed from the line before starting the next order. We have had issues in the past with cans from different orders being placed in another order.
- Housekeeping. It is everyone's job to keep this plant clean. If your area is not clean I am letting you know in advance this could lead to disciplinary action. If you have time to talk you have time to clean your area.

I understand that failure to follow these guidelines will result in disciplinary action up to and including termination

\* Do not run fillers with doors open.

Eugene Andrews  
Supervisor Signature

Eugene Andrews  
Name (Print)

5/9/07  
Date

Bowell Silvey  
Employee Signature

Bowell Silvey  
Name (Print)

5-9-07  
Date

## VACATION REQUEST

EMPLOYEE JEWELL SILVEY

DATES REQUESTED 3-5-07 (Monday)

\*\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*\*

EMPLOYEE'S SIGNATURE Jewell Silvey

DATE 2-28-07

APPROVED BY SUPERVISOR: YES        NO       

COMMENTS \_\_\_\_\_

SUPERVISOR'S SIGNATURE  
C

DATE 2-28-07

DO NOT WRITE BELOW THIS LINE - TO BE COMPLETED BY THE HR DEPT. ONLY  
\*\*\*\*\*  
THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT

DATE OF HIRE \_\_\_\_\_

ELIGIBLE FOR 44 HOURS

VERIFIED BY P

DATE 3/6/07

## VACATION REQUEST

EMPLOYEE JEWELL SILVEY

DATES REQUESTED Monday 1-29-07

\*\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*\*

EMPLOYEE'S SIGNATURE Jewell Silvey

DATE 1-22-07

APPROVED BY SUPERVISOR: YES  NO

COMMENTS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### SUPERVISOR'S SIGNATURE

E

DATE 1-23-07

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\*\*\*\*\*  
*THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT*

DATE OF HIRE \_\_\_\_\_

ELIGIBLE FOR 56 HOURS

VERIFIED BY P

DATE 1/29/07

FH002722

*Confidential*

## VACATION REQUEST

EMPLOYEE JEWELL SILVEY

DATES REQUESTED Friday 1-26-07

\*\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*\*

EMPLOYEE'S SIGNATURE Jewell Silvey

DATE 1-23-07

APPROVED BY SUPERVISOR: YES  NO

COMMENTS \_\_\_\_\_

SUPERVISOR'S SIGNATURE  
E

DATE 1-24-07

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\*\*\*\*\*

*THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT*

DATE OF HIRE \_\_\_\_\_

ELIGIBLE FOR 64 HOURS

VERIFIED BY P

DATE 1/26/07

FH002723

Confidential

## EMERGENCY VACATION REQUEST

EMPLOYEE

Jewell Silver

DATES REQUESTED

1-17-07

\*\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*\*

EMPLOYEE'S SIGNATURE

DATE

APPROVED BY SUPERVISOR: YES  NO

COMMENTS

SUPERVISOR'S SIGNATURE

DATE

1-18-07

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\*\*\*\*\*

*THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT*

DATE OF HIRE

ELIGIBLE FOR \_\_\_\_\_ HOURS

VERIFIED BY

DATE

FH002724

Confidential

## Absence Report

|                   |                |                      |         |
|-------------------|----------------|----------------------|---------|
| Name              | Jewell Silvey  | Number               |         |
| Department        | Packaging      | Shift                | A       |
| First Date Absent | March 12, 2007 | Expected Return Date | Unknown |

Reason For Absence

XX  Illness  
 Vacation  
 Personal Time  
 Family Death  
 Accident on Job  
 Family Leave Act

Holiday  
 Jury Duty  
 Suspension  
 Leave Without Pay  
 Unknown  
 \_\_\_\_\_

Explanation if necessary : Broke her foot

Was Absence :

Expected in Advance  
Reported on First Date Absent  
Considered by supervisor as

Yes       No  
 Yes       No  
 Excused       Unexcused

Date : March 13, 2007

Prepared by : CJJ

FH002725

**Confidential**

*Has applied for STD*

*1/25*

## **VACATION REQUEST**

**EMPLOYEE** JEWELL S: LUEY

**DATES REQUESTED** Friday 01-12-07

**\*\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*\***

**EMPLOYEE'S SIGNATURE** Jewell Silver

**DATE** 01-10-07

**APPROVED BY SUPERVISOR: YES      NO**

## **COMMENTS** \_\_\_\_\_

**SUPERVISOR'S SIGNATURE**

**DATE** 110-07

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**THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT**

**DATE OF HIRE**

**ELIGIBLE FOR                    80                    HOURS**

**VERIFIED BY** J

RATE 11/18

**DATE** 1/11/07

FH002726

**Confidential**

## COMPLAINT PROCEDURE

**DATE:** October 17, 2007

**TO:** Jewell Silvey

**FR:** Melvin Hutchins

**RE:** Complaint

### REQUEST FOR BEING TREATED WITH RESPECT BY EUGENE ANDREWS

#### FIRST RESPONSE

Your complaint dated September 17, 2007, has been reviewed as a first step.

"Eugene yelled at me as if I were dirt under his feet. To give my paperwork to Louise and get off the clock. When I said I needed to clean up the cans and take my trash out he yelled night shift could do it. I said I needed to get my things, he yelled again to get off the clock. I don't feel anyone should be yelled at or talked to like they were dirt under someone's feet. Eugene needs to take a breath and slow down. He seems to need a vacation or something. I really don't like to be treated that way. I have a temper too.

On Thursday, 13<sup>th</sup> Sept., Willie heard Eugene yell at me. He heard him yell to give my paperwork to Louise and get off the clock. He also heard Eugene yell at me when I was getting my things. Willie felt Eugene was talking or yelling at me as if I was a dog. Willie J. Neal."

Jewell, on September 13, 2007, Eugene was instructed to send Associates home who had worked the most hours during this week, and you happened to be one of them. Management has to constantly monitor production demands as well as control costs. As a result of this, there is no guarantee of a set number of hours which an Associate will work in any given week.

In addition, all Supervisors, Managers, and Associates of Bremner Food Group are to treat each other with respect. Accordingly, when this does not occur, it is addressed appropriately.

Melvin Hutchins

Melvin Hutchins

Production Superintendent

Jewell Silvey

Jewell Silvey  
(Signature acknowledges receipt of this document only.)



## COMPLAINT FORM

NAME: Jewell Silvey

STEP 1: I am not satisfied with the decision given to me by my supervisor on 13<sup>rd</sup> Sept, 2007, and I wish to formally complain through the Problem Resolution Procedure. The problem occurred on \_\_\_\_\_, and is as follows: (use additional paper if necessary)

Eugene yelled at me as if I were dirt under his feet. To give my paper work to Louise and get off the clock. When I said I needed to clean up the cars and take my trash out he yelled right she could do it. I said I needed to get my things. He yelled again to get off the clock.  
I am seeking the following solution:

I don't feel anyone should be yelled at or talked to like they were dirt under someones feet. Eugene needs to take a breath and slow down. He seems to need a educator or something. I really don't like to be treated that way. There a temper

Associate Signature

Date

STEP 2: I have read the attached supervisor's response in Step 1 and:

Do NOT wish to appeal this decision

Wish to appeal this decision to Step 2, Human Resource Manager

Associate Signature

Date

STEP 3: I have read the attached written response in Step 2 and:

Do NOT wish to appeal this decision

FH002728

Wish to appeal to the Director of Operations

Confidential

Associate Signature

Date

The decision reached in Step 3 will be final and binding.

*received*  
9-18-07

On Thursday 13<sup>th</sup> Sept. Willie heard Eugene yell at me. He heard him yell to give my paper work to Louise and get off the clock. He also heard Eugene yell at me with I was getting my things. Willie felt Eugene was talking & yelling at me as if I was a dog. Willie J Neal

FH002729

Confidential

E. Eugene  
Andrews/NC/Ralcorp  
09/26/2007 10:37 AM

To E. Eugene Andrews/NC/Ralcorp@Ralcorp  
cc Deanna M. Lake/BR/Ralcorp@Ralcorp, Melvin G.  
Hutchins/NC/Ralcorp@Ralcorp, Ricky L.  
Smothers/NC/Ralcorp@Ralcorp  
bcc  
Subject Re: [REDACTED]

Dee,

The only thing I can add to this is that the day I sent her home she came up with why she could not go home had to clean up the Depalletizer. I told her that the line was going to be down it to the start of 2nd shift I would get them to clean it up, then she said she had to clean up around the Depalletizer. At that time I told her she had 5 minutes to get her paper work and get off the clock. I did not raise voice but I did speak to her firm voice.

E. Eugene Andrews/NC/Ralcorp

E. Eugene  
Andrews/NC/Ralcorp  
09/26/2007 10:37 AM

To Deanna M. Lake/BR/Ralcorp, Ricky L.  
Smothers/NC/Ralcorp, Melvin G. Hutchins/NC/Ralcorp  
cc  
Subject

Dee,

Today line 4 went down I had to send people home that had the most hours one of them was Jewell Silvey she said that I don't send people I like home only the ones I don't like. She said like Louise Green. I called Melvin over to talk to her he told her if she did not like what I was doing about sending people home to go to H.R. By the way Louise is a filler opater not a Gen. labor

If you are not the intended addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email. Please advise immediately if you or your employer do not consent to internet email for messages of this kind.

**Confidential**

**FH002730**

  
Deanna M.  
Lake/BR/Ralcorp  
09/20/2007 09:27 AM

To Melvin G. Hutchins/NC/Ralcorp@Ralcorp  
cc  
bcc  
Subject Complaint

I received the following Complaint from Jewell Silvey on 09/17/07 regarding an incident on 09/13/07 with Eugene:

"Eugene yelled at me as if I were dirt under his feet. To give my paperwork to Louise and get off the clock. When I said I needed to clean up the cans and take my trash out, he yelled night shift could do it. I said I needed to get my things. He yelled again to get off the clock. I don't fell anyone should be yelled at or talked to like they were dirt under someones feet. Eugene needs to take a breath and slow down. He seems to need a vacation or something. I really don't like to be treated that way. I have a temper too. On Thursday 13th Sept. Willie heard Eugene yell at me. He heard him yell to give my paperwork to Louise and get off the clock. He also heard Eugene yell at me while I was getting my things. Willie felt Eugene was talking or yelling at me as if I was a dog. Willie Neal."

Melvin -- Since I have having you prepare the first step response as opposed to Eugene since the complaint is essentially about Eugene, I would suggest that you ask Eugene about the situation and also Willie Neal then respond to this e-mail. Remind Eugene that an employee filing a Complaint should not be retaliated against for doing so. I will in turn prepare your First Step Response to the Complaint.

Any questions or concerns, let me know.

Deanna ("Dee") M. Lake  
Human Resource Manager  
BFG - DOTHAN  
2700 Horace Shepard Drive  
Dothan, AL 36303  
(334) 983-5643 Ext. 222  
(800) 233-5979 Ext. 222  
Fax: (334) 983-0252  
dmlake@ralcorp.com

FH002731

Confidential

Ricky L.  
Smothers/NC/Ralcorp  
09/13/2007 01:38 PM

To E. Eugene Andrews/NC/Ralcorp@Ralcorp  
cc Deanna M. Lake/BR/Ralcorp@Ralcorp, Melvin G.  
Hutchins/NC/Ralcorp@Ralcorp  
bcc  
Subject Re:

Melvin, Eugene and all the other supervisors have been instructed to get the people with the most hours of the clock asap in order to reduce overtime . Thanks

Ricky Smothers  
Manager of Maintenance & Production  
bfg / Dothan  
334-983-0234  
E. Eugene Andrews/NC/Ralcorp

E. Eugene  
Andrews/NC/Ralcorp  
09/13/2007 01:35 PM

To Deanna M. Lake/BR/Ralcorp@Ralcorp, Ricky L.  
Smothers/NC/Ralcorp@Ralcorp, Melvin G.  
Hutchins/NC/Ralcorp@Ralcorp  
cc  
Subject

Dee,

Today line 4 went down I had to send people home that had the most hours one of them was Jewell Silvey she said that I don't send people I like home only the ones I don't like. She said like Louise Green. I called Melvin over to talk to her he told her if she did not like what I was doing about sending people home to go to H.R. By the way Louise is a filler opater not a Gen. labor

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FH002732

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## DOCUMENTATION FORM

Employee Name: JEWELL SILVEY

Investigating Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Present: \_\_\_\_\_

Who was involved: Me & Eugene

Witness (s): \_\_\_\_\_

Date of incident: 9-12, 9-13Where did it take place: Line 4When did it take place (time and day): 2:48 9-12 1:05 9-13

What happened: HE has in a mean voice told me to go home without cleaning cans off the floor. He said Night Shift could clean them up. He has his favors he hugs and jokes around with yet he has always talk to me as if I'm under his feet never a nice word. Even saying good morning to him one day with no reply from him back good morning. I sure he said good morning to him he made

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

FH002733

Confidential

DOCUMENTATION FORM

Employee Name: Willie Neal

Investigating Supervisor:

Date:

Date of incident: 9-19-07

Where did it take place: Line 3 - (by the wrapper)

When did it take place (time and day): between 1:00 PM - 2:00 PM

What happened:

Jewell was cleaning up - Eugene came thru the curtain with a real high tone voice and told her to go see Louise, turn in her paperwork and get out of here. Eugene raised his voice again at Jewell within the next 5 to 10 minutes. Jewell told Eugene that she was trying to clean up. Eugene told Jewell to let 2nd shift clean it up. Eugene's voice was like he was talking to an "animal". Jewel looked like she wanted to cry.

Confidential

FH002734

Did this result in down time? N/A If yes how much? N/A

Did this result in product being scrapped? If yes how much? N/A

Attach an additional sheet if needed for witness statements following the same format.

Willie Neal 8-24-07

## Vacation Request

Employee JEWELL SILVEY

Dates Requested 12 noon 2-14-08 AND 2-15-08

\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*

Employee's Signature Jewell Silvey

Date 2-11-08

Approved by supervisor: Yes  No

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Supervisor's Signature Melvin Hutchins

Date 2-13-08

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THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT

DATE OF HIRE \_\_\_\_\_

ELIGIBLE FOR \_\_\_\_\_ HOURS

VERIFIED BY \_\_\_\_\_

DATE \_\_\_\_\_

WHITE - EMPLOYER

**FH002735**

CANARY - EMPLOYEE

## Vacation Request

Employee

Jewell Silvey

Dates Requested

Jan 16<sup>th</sup> 2008

\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*

Employee's Signature

Jewell Silvey

Date

Jan 14, 2008

Approved by supervisor: Yes  No

Comments

My Dad needs me.

Supervisor's Signature

Melvin Hutchins

Date

1-15-08

DO NOT WRITE BELOW THIS LINE - TO BE COMPLETED BY THE HR DEPARTMENT ONLY

-----  
THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT

DATE OF HIRE

ELIGIBLE FOR 64 HOURS

VERIFIED BY

P

DATE

1/17/08

WHITE - EMPLOYER

CANARY - EMPLOYEE

FH002736

Confidential

## Vacation Request

Employee JEWELL SILVEY

Dates Requested JAN 7 & 8 2008

\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*

Employee's Signature Jewell Silvey

Date 12-21-07

Approved by supervisor: Yes        No       

Comments My Birthday

Supervisor's Signature [Signature]

Date 12-28-07

DO NOT WRITE BELOW THIS LINE - TO BE COMPLETED BY THE HR DEPARTMENT ONLY

-----  
THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT

DATE OF HIRE                                 

ELIGIBLE FOR 80 HOURS

VERIFIED BY f

DATE 1/9/08

WHITE - EMPLOYER

CANARY - EMPLOYEE

FH002737

Confidential

## Vacation Request

Employee JEWELL SILVEY

Dates Requested 1-25-08

\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*

Employee's Signature Jewell Silvey

Date 1-23-08

Approved by supervisor: Yes  No

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Supervisor's Signature CS

Date 1-23-08

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-----  
THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT

DATE OF HIRE \_\_\_\_\_

ELIGIBLE FOR 56 HOURS

VERIFIED BY P

DATE 1/28/08

WHITE - EMPLOYER

CANARY - EMPLOYEE

FH002738

Confidential

## Vacation Request

Employee

DEWELL SILVEY

Dates Requested

Oct 26<sup>th</sup> 2007 Friday

\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*

Employee's Signature

Date

Approved by supervisor: Yes  No \_\_\_\_\_

Comments

Supervisor's Signature

Date

10-23-07

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-----  
THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT

DATE OF HIRE

ELIGIBLE FOR 8 HOURS

VERIFIED BY

DATE 10/23/07

WHITE - EMPLOYER

CANARY - EMPLOYEE

FH002739

Confidential

## Vacation Request

Employee

Jewell Silvey

Dates Requested

21<sup>st</sup> Sept. 2007

\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*

Employee's Signature

Jewell Silvey

Date

13<sup>th</sup> Sept. 2007

Approved by supervisor: Yes  No

Comments

Supervisor's Signature

Date

9-13-07

DO NOT WRITE BELOW THIS LINE - TO BE COMPLETED BY THE HR DEPARTMENT ONLY

THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT

DATE OF HIRE

ELIGIBLE FOR

16

HOURS

VERIFIED BY

V

DATE

9/19/07

WHITE - EMPLOYER

CANARY - EMPLOYEE

FH002740

Confidential

## JOB TRADE/COVERAGE

To schedule an approved day off, the following information must be completed and approved by the appropriate Supervisor.

Date of request 11-19-07

Associate requesting time off

Trevell Silvey  
(please print)

Trevell Silvey  
(signature)

Position debal

Department packaging Shift 1st

Date(s) requested 24 and 25 Nov 2007

---

Covering Associate E.D. WALKER  
(please print)

E.D. Walker

(signature) I agree to cover the shift for the above associate. I understand that failure to do so may result in an occurrence(s) being charged against my attendance record.

Position debal

Department packaging

Covering From 6AM 24<sup>th</sup> 25<sup>th</sup> to off 24<sup>th</sup> 25<sup>th</sup>

Supervisor Approval \_\_\_\_\_

Date Approved \_\_\_\_\_

**FH002741**

Send to Human Resources

**Confidential**

\* Not approved due to lack of knowledge of the job.

11-19-07

Trevell Silvey

\* Witnessed by Chris Jordan

## Absence Report

|                   |              |                      |          |
|-------------------|--------------|----------------------|----------|
| Name              | Jewel Silvey | Number               |          |
| Department        | Packaging    | Shift                | 1ST      |
| First Date Absent | 11-10-07     | Expected Return Date | 11-12-07 |

Reason For Absence

- Illness
- Vacation
- Personal Time
- Family Death
- Accident on Job
- Family Leave Act

- Holiday
- Jury Duty
- Suspension
- Leave Without Pay
- Unknown
- \_\_\_\_\_

Explanation if necessary : Hurt Shoulder pushing a car

Was Absence :

Expected in Advance  
Reported on First Date Absent  
Considered by supervisor as

Yes      X No  
X Yes       No  
 Excused       Unexcused

Date : 11-10-07

Prepared by : Eugene Andrews

FH002742

Confidential

## ABSENTEEISM WARNING NOTICE

TO: Jewell Silvey

DATE: 10/10/07

DATES & REASON:

**ABSENT:** 10/01/07, 09/15/07, 07/13/07, 06/08/07, 06/01/07

**TARDY:**

**LEFT EARLY:**

ACTION TAKEN:

VERBAL WARNING (5 OCCURENCES)

WRITTEN WARNING (7 OCCURENCES)

FINAL WARNING (8 OCCURENCES)

TERMINATION (9 OCCURENCES)

SUPERVISORS SIGNATURE

*Elynn A*

DATE

*10-15-07*

EMPLOYEES SIGNATURE

*Jewell Silvey*

DATE

*10-15-07*

FH002743

*Confidential*

Melvin G.  
Hutchins/NC/Ralcorp  
03/01/2008 08:18 AM

To Deanna M. Lake/BR/Ralcorp@Ralcorp, Ricky L.  
Smothers/NC/Ralcorp@Ralcorp  
cc E. Eugene Andrews/NC/Ralcorp@Ralcorp, T. Bruce  
Cassady/NC/Ralcorp@Ralcorp  
bcc

Subject Meeting with Jewell and Linda

I met with Jewell and Linda yesterday to discuss in part the issue of them not getting along together. I told them they would not be moved because of this issue and it was there responsibility to have a good working relationship. I explained to them, that if there continued to be issues regarding there behavior towards on another, it would be a performance issue. If there were issues, those issues needed to brought to the attention of their supervisors. The supervisors would request documentation and once the documentation was completed, it would be brought to the attention of HR. I also explained to them, to not put themselves in a position that could possibly cause them there job. I ask Jewell and Linda did they understand what was being asked of them, and both replied, yes.

Bruce and Eugene were both present during this meeting.

Melvin Hutchins  
Production Superintendent  
Nutcracker  
(334) 983-0240

FH002744

Confidential

**03/01/08 Notes re: Conversation with Linda Parker**

Prior to Linda Parker submitting her two Documentation Forms she mentioned to me that her and Jewell Silvey were not getting along. In this conversation, Linda said that Jewell had even threatened her but that there were no witnesses to this threat so it would be Linda's word against Jewell's. I told Linda that if that was the case that the Production Superintendent would have a meeting with both her and Jewell and explain that they are required to work together and get along and that if any specific issues arise that they will be addressed accordingly.

Danna M. Hall  
03/01/08

FH002745

Confidential

DOCUMENTATION FORM

Employee Name: Linda Parker

Investigating Supervisor:

Date: 01/30/08

Present: Linda & Jewell

Who was involved: Linda & Jewell

Witness (s): N/A

Date of incident: 01/30/08

Where did it take place: Depart

When did it take place (time and day): Depart 12:10 P.M.

What happened:

The event I'm about to tell you happened Feb. 7, but before I do this I need to tell you about what happened on Jan. 30, that brought all of this on. Julie is new girl that rotates everybody to eat, but anyway when Jewell came back her pocket of cans was a mess and Jewell blame it on me, so I left her alone the rest of the day. The next day I got the hook that we strengthen our cans up with, and when I did this I noticed that one of Jewell cans had turned over so I strengthen hers up first and she told me not to mess with her

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

Confidential

FH002746

DOCUMENTATION FORM

Employee Name:

Investigating Supervisor:

Date:

Present:

Who was involved:

Linda & Jewell

Witness (s):

Date of incident:

Where did it take place:

When did it take place (time and day):

What happened:

I know I have got a write up on Jewell already. But there are a few things I need to add, for example she has made two threats to me! Her words exactly were "You better hope to God you never see me out side of work." And just about every day she makes snide remarks just to get me to say something back to her, but I hasn't said a word to her other than what I said in my last statement. And I still hasn't said anything to her. Jewell has called me lazy and a little weasle. A couple of times I have accidentally bumped into her and she yelled at me, I better watch it. There is so much tension. We need a meeting as soon as possible.

Did this result in down time? \_\_\_\_\_ If yes how much?

as possible,

Did this result in product being scrapped? If yes how much?

Thank you,  
Linda Parker

Attach an additional sheet if needed for witness statements following the same format.

FH002748

Confidential

**SAFETY BEHAVIOR OBSERVATION REPORT  
RALCORP HOLDINGS, INC.**

|  |                                 |   |
|--|---------------------------------|---|
| Name:<br><u>Linda Packer</u>   | Department:<br><u>Packaging</u> | Date:<br><u>2-9-08</u>  |
| Occupation:<br><u>Dept.</u>  | Job & Line Observed:            | Type of Observation:<br><input type="checkbox"/> INITIAL <input type="checkbox"/> FOLLOW-UP           |
| Time With Company:   | Time on Present Job             | Notification<br><input type="checkbox"/> Told in Advance <input type="checkbox"/> Not Told in Advance |
| Reason For Observation:  |                                 |   |
| <input type="checkbox"/> Job Procedure/Practice Update <input type="checkbox"/> Accident Repeater <input type="checkbox"/> Incapacitated Worker<br><input type="checkbox"/> Training Follow-Up <input type="checkbox"/> Experienced Worker Check |                                 |   |

## JOB OBSERVATION

|   |  |
|---|--|
| Could any of the practices or conditions observed result in property damage or personal injury?<br>Circle: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>              | Were the methods and practices observed the most efficient and productive?<br>Circle: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>                        |
| Did the practices you observed comply with all of the applicable standards that exist for this task or job?<br>Circle: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>  | Could any of the practices you observe have a detrimental effect upon the quality of the product?<br>Circle: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| Describe clearly below any practices or conditions related to items above that deserve compliment or correction (PPE, Lifting, Material Handling, Equipment Operation, Housekeeping, etc.): |  |
| <p>Does not use EAR PLUGS only tucks them under her HAIR NETS</p> <p>Sets on Steps so where I can not hold rails when going up or down</p>  |  |
| Have you properly complimented and/or re instructed the worker on these observation?<br>Circle: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>                         | Should a follow-up observation of this worker or task be made in the near future?<br>Circle: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>                 |
| Describe any standard procedure, method or equipment you observed that should be considered for change in the interest of safety, quality or productivity:                                  |  |

Jewell Silver 2-9-08  
Observer Date

(MH) 2-9-08

Supervisor

Date \_\_\_\_\_

Supervisor

Date \_\_\_\_\_

Safety Manager

Date

Confidential

FH002749



TO: Peggy Silvey

Check Seq Code: 04-06MFG01

We currently show the following ethnicity/race information for you in our HR/Payroll system. Due to recent regulatory changes with EEO-1 reporting, race/ethnicity categories have been expanded to the 7 choices indicated below. Ralcorp has elected to survey all of its employees to provide an opportunity to choose a new race/ethnicity designation.

|                    |                |            |                  |
|--------------------|----------------|------------|------------------|
| Name: Peggy Silvey | Emp. #: 200836 | Co. #: C94 | Location: Dothan |
|--------------------|----------------|------------|------------------|

**Current Ethnicity/Race:** White

**NOTE:** If you are currently listed as "Asian or Pacific Islander" you must make a new election.

1. Hispanic or Latino

4. Hawaiian/Pacific Islander

2. White

5. Asian

3. Black or African American

6. American Indian or Alaskan

7. Two or more races

If you are not making a change to your race/ethnicity category, you do not need to respond to this survey. **For a change, circle one and return this form to your local HR office no later than August 17, 2007.**

FH002750

Confidential

## Vacation Request

Employee Jewell Silvey

Dates Requested April 4<sup>th</sup> 2008

\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*

Employee's Signature Jewell Silvey

Date 3-17-08

Approved by supervisor: Yes  No

Comments \_\_\_\_\_

Supervisor's Signature [Signature]

Date 3/17-08

DO NOT WRITE BELOW THIS LINE - TO BE COMPLETED BY THE HR DEPARTMENT ONLY

THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT

DATE OF HIRE \_\_\_\_\_

ELIGIBLE FOR 36 HOURS

VERIFIED BY JG

DATE 3/4/08

WHITE - EMPLOYER

**FH002751**

**Confidential**

EMPLOYEE

I, Jewell Silver, have received the training on  
PRINT NAME

Can, Jar and Bag seal requirements and testing procedures, including leak testing  
Weight Control Plan and records

Date Coding and records

Packaging Food Contact Records

Label Storage, Staging, Delivery, Use, Record Keeping, and Restocking Procedures

HAACP testing and records

and understand what is expected of me.

Signed:

Jewell Silver Date 3-6-2008

Trainer:

Randy Ream  
Randy Ream

FH002752

Confidential

I, Jewell Silver, have received the training on  
PRINT NAME

GMP and HACCP Refresher

Buildup SOP

Allergen Inspection Certification

Salt testing

Sugar testing

Breakage Standards and Testing

and understand what is expected of me.

Signed

Jewell Silver Date 3-5-2008

Trainer:

R. Ream

Randy Ream

FH002753

Confidential

# **EXHIBIT I**

Emergency

## VACATION REQUEST

EMPLOYEE Linda Thornton

DATES REQUESTED 4-13-06

\*\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*\*

EMPLOYEE'S SIGNATURE Linda Thornton

DATE 4-17-06

APPROVED BY SUPERVISOR: YES  NO

COMMENTS Blood Pressure problems.

SUPERVISOR'S SIGNATURE  
CDR

DATE 4-13-06

DO NOT WRITE BELOW THIS LINE - TO BE COMPLETED BY THE HR DEPT. ONLY  
\*\*\*\*\*

*THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT*

DATE OF HIRE \_\_\_\_\_

ELIGIBLE FOR 48 HOURS

VERIFIED BY P

DATE 4/13/06

| <b>ABSENCE REPORT</b>   |                |  |
|---|----------------|--|
| NAME  | Linda Thornton |  |
| DEPARTMENT  | Packaging      |  |
| SHIFT   | A              |  |
| First Date Absent   | 4-6-06         |  |
| Expected Return Date  |                |  |
| Reason for Absence:   |                |  |
| <input checked="" type="checkbox"/> Illness <input type="checkbox"/> Holiday<br><input type="checkbox"/> Vacation <input type="checkbox"/> Jury Duty<br><input type="checkbox"/> Personal Time <input type="checkbox"/> Suspension<br><input type="checkbox"/> Family Death <input type="checkbox"/> Leave Without Pay<br><input type="checkbox"/> Accident on Job <input type="checkbox"/> Unknown<br><input type="checkbox"/> Family Leave Act <input type="checkbox"/> _____ |                |  |
| Explanation, if necessary <u>I sent Linda Thornton home due to high blood pressure.</u>   |                |  |
| Was Absence:  |                |  |
| Expected in Advance <input type="checkbox"/> Yes <input type="checkbox"/> No<br>Reported on First Date Absent. <input type="checkbox"/> Yes <input type="checkbox"/> No<br>Considered by Supervisor as <input type="checkbox"/> Excused <input type="checkbox"/> Unexcused  |                |  |
| Date <u>4-10-06</u> Prepared by <u>CDK</u>  |                |  |
| USE CARBON PAPER UNDERNEATH TO PREPARE DUPLICATE  |                |  |

# **EXHIBIT J**

DOCUMENTATION FORM

Employee Name: Catherine Long

Investigating Supervisor: Chris Jordan Date: 6-15-06

Present: \_\_\_\_\_

Who was involved: Frank Williams and Linda Thornton

Witness (s): \_\_\_\_\_

Date of incident: 6-14-06

Where did it take place: Line 3 Label Machine

When did it take place (time and day): Before 12:00 Noons

What happened: Well Linda just had  
came from break and she  
asked Frank to help her clean  
off the table By Line 3 label  
machine. I hear Frank said  
the F word and I can't  
do every dam thing.  
that all I heard except he  
was doing a lot of yelling and  
swear. Ext. Ext. Ext.

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

**DOCUMENTATION FORM**Employee Name: Tamika ConikeInvestigating Supervisor: Chris Date: 6-15-06

Present: \_\_\_\_\_

Who was involved: Frank Williams + Linda Thornton

Witness (s): \_\_\_\_\_

Date of incident: 6-14-06Where did it take place: Line 3 Label MachineWhen did it take place (time and day): Before lunch

What happened: Line 3 label machine messed up & we had bad labels on the work area & we cleaned some down when Linda got back from break some was left up there and she asked Frank about this mess and Frank walked off saying curse words exart I don't know so Linda said something to him. ~~After a few more words he~~ he threw his hands up & said fuckit and went threw the curtains.

She was ignoring him but it was words still being said from him.

Did this result in down time? \_\_\_\_\_ If yes how much?

Did this result in product being scrapped? If yes how much?

Attach an additional sheet if needed for witness statements following the same format.

# **EXHIBIT K**

## VACATION REQUEST

EMPLOYEE Tommy Nance

DATES REQUESTED June 15<sup>th</sup> 1/2 day

\*\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*\*

EMPLOYEE'S SIGNATURE Tommy Nance

DATE 6/2/06

APPROVED BY SUPERVISOR: YES  NO

COMMENTS \_\_\_\_\_

SUPERVISOR'S SIGNATURE

Mary Ann Breyer

DATE 6-2-2006

DO NOT WRITE BELOW THIS LINE - TO BE COMPLETED BY THE HR DEPT. ONLY

\*\*\*\*\*

THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT

DATE OF HIRE \_\_\_\_\_

ELIGIBLE FOR 88 HOURS

VERIFIED BY P

DATE 6/12/06

## VACATION REQUEST

EMPLOYEE Tommy Blance

DATES REQUESTED 5/19 1/2 day - 4 hours

\*\*\*\*\*VACATION PAY CAN ONLY BE GRANTED FOR TIME AWAY FROM WORK\*\*\*\*\*

EMPLOYEE'S SIGNATURE Tommy Name

DATE 5/23/06

**APPROVED BY SUPERVISOR:** YES      NO

## COMMENTS

**SUPERVISOR'S SIGNATURE**

Mary Ann Beeg

**DATE** 5/23/2004

**DO NOT WRITE BELOW THIS LINE - TO BE COMPLETED BY THE HR DEPT. ONLY**

\*\*\*\*\*

**THIS SECTION TO BE COMPLETED BY THE HR DEPARTMENT**

**DATE OF HIRE**

**ELIGIBLE FOR                  92                  HOURS**

VERIFIED BY *P*

DATE 1/23/66

DATE Sept. 10

# **EXHIBIT L**

## Flavor House Products

## Daily Label Operator Check Sheet

Line BA  
Date 5-04-06

## Started

1.  The proper labels are on the label cart.
2.  Set to proper size.
3.  The proper glue rod (can line) and glue wheel (jar line) are in place.
4.  Check glue pots.
5.  Check for worn or broken parts.

## Shut Down

6.  Check glue pots and fill if necessary.
7.  Check for worn or broken parts.
8.  Machine is cleaned properly.
9.  Label machine is changed over to the next day's size if needed. **night shift**
10.  Labels are put up correctly.

Explain any mechanical problems or issues with labels (size, color, etc.)

down time today - B wheels just  
Falling off - using incorrect size -  
Hydraulic switch went out  
Pressure going up and down. Can't  
wait for the new machine  
to get here!

Signature

Rinda Thornton

# **EXHIBIT M**

**FREEDOM  
COURT REPORTING**

367 Valley Avenue  
Birmingham, Alabama 35209  
205.397.2397  
877.373.3660

**WITNESS CERTIFICATION**

I, Mary Ann Boyer, said witness, do hereby acknowledge that I have read the foregoing transcript of my testimony and that it is a true and correct transcription of the answers given by me to the questions propounded, except for the changes, if any, noted on the attached errata sheet.

Mary Ann Boyer  
Witness Signature above:

Printed name: Mary Ann Boyer

Sworn to and subscribed before me, this  
the 10<sup>th</sup> day of July, 2008.

Catherine Brownlee  
Notary Public  
My Commission expires: June 22, 2010

Deposition of: Mary Ann Boyer  
Taken: 05/13/2008  
Court Reporter: Renny McNaughton

## TRANSCRIPT ERRATA SHEET

Deposition of: Mary Ann Boyer  
Taken: 05/13/2008  
Court Reporter: Renny McNaughton

Page #: Line #: Correction/Reason for change:

P<sup>42</sup> p21-23, p43 line 15 After my deposition, I reviewed  
the 2-23-06 Documentation form of  
Jewell Silvey on an undated documenta-  
tion form of Tracey Brantley, and  
realized that the investigation into  
Linda talking to a female employee  
in the smoking area about Frank's  
past and suggesting that she go on a  
website to get information about Frank  
and bring it to work actually occurred  
in Feb or March 2006. These documents  
were not shown to me during my  
deposition, and I confused the  
Feb/March incident with what happened  
in June. There was an investigation  
concerning Linda in June, around the  
time she left, that may have led to  
discipline had Linda returned to work,  
but I do not remember specifically  
what it was that led to this investigation.  
I believe it was something that came to  
our attention after Linda's last day at work.

## TRANSCRIPT ERRATA SHEET

Deposition of: Mary Ann Boyer  
Taken: 05/13/2008  
Court Reporter: Renny McNaughton

Page #: Line #: Correction/Reason for change:

P46 line 14

P47 line 20

After my deposition, I reviewed the 2-23-2006 Documentation form of Jewell Silvey and an undated Documentation form of Tracey Brentley, and realized the investigation into Linda talking to a female employee in the smoking area about Frank's past and suggesting that she get on a website to get information about Frank and bring it to work actually occurred in Feb or March 2006.

These documents were not shown to me during the deposition, I confused the Feb/March incident with what happened in June. There was an investigation concerning Linda around the time she left that may have led to discipline. Had Linda returned to work, but I don't recall what specifically it was that led to the investigation. I believe that it was something that came to our attention after Linda's last day at work, and the investigation was never complete.

## TRANSCRIPT ERRATA SHEET

Deposition of: Mary Ann Boyer  
Taken: 05/13/2008  
Court Reporter: Renny McNaughton

Page #: Line #: Correction/Reason for change:

p67 line 19 After my deposition, I reviewed the  
p68 line 11 2-23-06 Documentation form of Jewell  
Silver and an undated Documentation  
form of Tracey Brantly, and realized that  
the investigation into Linda talking to  
a female employee in the smoking area  
about Frank's post and suggesting that  
she get on a website to get information  
about Frank and bring it to work  
actually occurred in Feb-March 2006. These  
documents were not shown to me during  
the depositions, and I confused the  
Feb/March incident with what happened  
in June. There was an investigation  
concerning Linda around the time  
she left that may have led to discipline  
if Linda had returned to work, but I  
do not recall specifically what it was that  
led to this investigation. I believe that  
it was something that came to our attention  
after Linda's last day at work, and the  
investigation was never completed because

# **EXHIBIT N**

## EMPLOYEE STATUS CHANGE

Please check applicable box

|   |  |                                    |   |   |
|---|--|------------------------------------|---|---|
| <input type="checkbox"/> New Hire           | <input type="checkbox"/> Certification | <input type="checkbox"/> Promotion | <input checked="" type="checkbox"/> Salary Adjustment | <input type="checkbox"/> Other _____      |
| <input type="checkbox"/> Transfer (Lateral) |  | Termination                        | <input type="checkbox"/> Title/Grade Change           | <input type="checkbox"/> Leave of Absence |

Effective Date of this Action:

5/5/06

New Department Salary Account No.:

|  |   |  |  |              |
|--|---|--|--|--------------|
| Employee Name (Last)<br><b>Thornton</b>                                    |   | First<br><b>Linda</b>  | Middle                                 |              |
| CURRENT STATUS   | Job Title<br><b>Label Opr.</b>  | Grade  | Department<br><b>Production</b>        |              |
|  | <input type="checkbox"/> Exempt<br><input checked="" type="checkbox"/> Non Exempt | <input type="checkbox"/> F/T Regular<br><input type="checkbox"/> P/T Regular | <input type="checkbox"/> Temporary     |              |
| NEW STATUS   | Job Title   | Grade  | Department                             |              |
|  | <input type="checkbox"/> Exempt<br><input type="checkbox"/> Non Exempt            | <input type="checkbox"/> F/T Regular<br><input type="checkbox"/> P/T Regular | <input type="checkbox"/> Temporary     |              |
| <b>Salary Adjustment</b>   |   |  |  |              |
| Current Salary Range   |   |  |  |              |
| Minimum  |   | Midpoint   | Maximum                                |              |
|  |   |  |  |              |
| Current Salary (or Salary for New Employee)                                |   | Amount of Change   | Percentage                             | New Salary   |
| Per Month \$   |   | Per Month \$   | Merit _____ %                          | Per Month \$ |
| Per Year \$  |   | Per Year \$  | Promotional _____ %                    | Per Year \$  |
| Hourly (if Applicable) \$ <u>11.62</u>                                     |   | Hourly (if Applicable) \$  | Hourly (if Applicable) \$ <u>11.90</u> |              |
| Termination  |   | Reason for Separation  |  |              |
| <input type="checkbox"/> Voluntary<br><input type="checkbox"/> Involuntary |   |  |  |              |
|  |   | Last Day Worked  |  |              |
| Comments <u>Pay for Skill - Level 4</u>                                    |   |  |  |              |
| Approval:  |   |  |  |              |
| Requesting Department Manager/Date   |   | Department Head/Date   | Corporate Officer/Date                 |              |

## Human Resources Use Only - Do Not Complete This Section

|  |  |                           |  |                           |                    |
|--|--|---------------------------|--|---------------------------|--------------------|
| Social Security No.  | Job Number   |                           | EEO Code - Job Group   | Census Code               | Department Name    |
| Company # / Floor #  | Source Code  | W/C Code                  | Rate Code<br>H <input type="checkbox"/> M <input type="checkbox"/> | Job Posting #             | Replaced           |
| Separation Pay<br><input type="checkbox"/> Y<br><input type="checkbox"/> N | Vacation Pay<br><input type="checkbox"/> Y<br><input type="checkbox"/> N |                           | Term Code  | Last Day Paid             | Payroll Entry Date |
| <u>Tammy Flann 5/10/06</u>   |  |                           |  |                           |                    |
| H.R. Manager Approvals/ Date   |  | Compensation Analyst/Date |  | H.R. Data Specialist/Date |                    |

# **EXHIBIT O**



TO: ALL EMPLOYEES OF RALCORP HOLDINGS, INC.

**POLICY AGAINST HARASSMENT**

Ralcorp Holdings, Inc. and its subsidiaries and affiliates seek to maintain high standards of business by creating and maintaining a work environment that is free from unlawful harassment. It is Ralcorp's policy that harassment on the basis of any legally protected category is prohibited. Any harassment based on race, creed, color, religion, national origin, ancestry, age, sex, sexual orientation, veteran status or a physical or mental disability is a violation of Company policy. All persons conducting business for the Company, whether on or off Company property, are prohibited from engaging in harassment and shall respect the rights of others to work in an environment free from harassment. This includes employees, officers, managers, supervisors, contractors and vendors of the Company. Additionally, officers, managers and supervisors are responsible for enforcing this policy and for maintaining a workplace free from unlawful harassment.

Prohibited harassment is conduct relating to an individual's race, religion, color, age, sex, sexual orientation, national origin, ancestry, veteran status or status as an individual with a disability, that has the purpose or effect of:

- \* creating an intimidating, hostile, or offensive work environment;
- \* unreasonably interfering with an individual in work performance;
- \* adversely affecting an individual's employment opportunity.

In addition to the above, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and conduct of a sexual nature when:

- \* submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
- \* submission to or rejection of such conduct is the basis for or a factor in any employment decision affecting the individual.

Examples of inappropriate conduct/harassment include:

- \* Verbal harassment - such as epithets, derogatory or suggestive comments, demeaning jokes, slurs, threats, etc.
- \* Physical harassment - such as assault, unnecessary touching, impeding or blocking movement, physical interference with normal work or movement, etc.
- \* Visual harassment - such as derogatory or demeaning pictures, posters, cards, cartoons, graffiti, gestures, etc.

Any officer, manager or supervisor who becomes aware of unlawful harassment or inappropriate behavior must take immediate corrective action. In addition, they should consult with their Human Resources Department when investigating harassment claims of any kind.

Any employee who has a complaint, question or concern regarding any type of unlawful discrimination or harassment is encouraged to bring it to the attention of their immediate supervisor, their local Human Resources representative, their local Equal Employment Coordinator or Ralcorp's St. Louis Equal Employment Opportunity Manager. Employees may also utilize the toll-free confidential reporting hotline to report harassment complaints. All concerns and complaints will be thoroughly reviewed and investigated in a timely manner. Every effort will be made to conduct the investigation on a confidential basis, with disclosure made only where there is need to know. Any prohibited harassing behavior will result in disciplinary action up to and including termination of employment. Retaliation or reprisal against persons who report harassment or cooperate or assist in the investigation of a complaint of harassment is also prohibited by this policy. Persons engaging in such behavior will be subject to disciplinary action up to and including termination of employment.

Kevin J. Hunt  
Co-Chief Executive Officer and  
President  
January 2005

David P. Skarie  
Co-Chief Executive Officer and  
President



TO: ALL EMPLOYEES OF RALCORP HOLDINGS, INC.

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Kevin J. Hunt  
Co-Chief Executive Officer and  
President  
January 2004

David P. Skarie  
Co-Chief Executive Officer and  
President